

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF OHIO  
3           EASTERN DIVISION  
4                   -   -   -  
5

6           IN RE:    NATIONAL                   :   HON. DAN A.  
7           PRESCRIPTION OPIATE               :   POLSTER  
8           LITIGATION                         :  
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10          APPLIES TO ALL CASES               :   NO.  
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10                   - HIGHLY CONFIDENTIAL -

11           SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
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13                   October 25, 2018  
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15                   Videotaped deposition of  
16           EDWARD HAZEWSKI, taken pursuant to  
17           notice, was held at the law offices of  
18           Reed Smith, LLP, 1717 Arch Street,  
19           Philadelphia, Pennsylvania, beginning at  
20           9:36 a.m., on the above date, before  
21           Michelle L. Gray, a Registered  
22           Professional Reporter, Certified  
23           Shorthand Reporter, Certified Realtime  
24           Reporter, and Notary Public.

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Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 BARON &amp; BUDD, P.C.</p> <p>4 BY: MARK P. PIFKO, ESQ.</p> <p>5 BY: STERLING CLUFF, ESQ.</p> <p>6 Encino Plaza</p> <p>7 15910 Ventura Boulevard, Suite 1600</p> <p>8 Encino, California 91436</p> <p>9 (818) 839-2333</p> <p>10 Mpifko@baronbudd.com</p> <p>11 - and -</p> <p>12 BARON &amp; BUDD, P.C.</p> <p>13 BY: WILLIAM G. POWERS, ESQ.</p> <p>14 600 New Hampshire Avenue, NW</p> <p>15 The Watergate, Suite 10-A</p> <p>16 Washington, D.C. 20037</p> <p>17 (202) 333-4562</p> <p>18 Wpowers@baronbudd.com</p> <p>19 - and -</p> <p>20 BLASINGAME, BURCH, GARRARD,</p> <p>21 ASHLEY, P.C.</p> <p>22 BY: ALEXANDRIA HUGHES, ESQ.</p> <p>23 440 College Avenue, Suite 320</p> <p>24 Athens, Georgia 30601</p> <p>(706) 354-4000</p> <p>Ahughes@bbga.com</p> <p>Representing the Plaintiffs</p>	<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 WILLIAMS &amp; CONNOLLY, LLP</p> <p>4 BY: MIRANDA PETERSEN, ESQ.</p> <p>5 725 12th Street, NW</p> <p>6 Washington, D.C. 20005</p> <p>7 (202) 434-5148</p> <p>8 mpetersen@wc.com</p> <p>9 Representing the Defendant, Cardinal</p> <p>10 Health</p> <p>11 TELEPHONIC APPEARANCES:</p> <p>12</p> <p>13 BLASINGAME, BURCH, GARRARD,</p> <p>14 ASHLEY, P.C.</p> <p>15 BY: THOMAS HOLLINGSWORTH, III, ESQ.</p> <p>16 440 College Avenue, Suite 320</p> <p>17 Athens, Georgia 30601</p> <p>18 (706) 354-4000</p> <p>19 thollingsworth@bbga.com</p> <p>20 Representing the Plaintiffs</p> <p>21</p> <p>22 MARCUS &amp; SHAPIRA, LLP</p> <p>23 BY: ELLY HELLER-TOIG, ESQ.</p> <p>24 One Oxford Centre, 35th Floor</p> <p>Pittsburgh, Pennsylvania 15219</p> <p>(412) 338-4683</p> <p>Ehtoid@marcus-shapira.com</p> <p>Representing the Defendant, HBC</p> <p>Service Company</p> <p>KIRKLAND &amp; ELLIS, LLP</p> <p>BY: ZACHARY A. CIULLO, ESQ.</p> <p>300 North LaSalle Street</p> <p>Chicago, Illinois 60654</p> <p>(312) 862-2595</p> <p>Zac.ciullo@kirkland.com</p> <p>Representing the Defendant, Allergan</p> <p>Pharmaceuticals</p>
Page 3	Page 5
<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 REED SMITH, LLP</p> <p>4 BY: ROBERT A. NICHOLAS, ESQ.</p> <p>5 ANNE E. ROLLINS, ESQ.</p> <p>6 SAMANTHA L. ROCCHINO, ESQ.</p> <p>7 Three Logan Square</p> <p>8 1717 Arch Street, Suite 3100</p> <p>9 Philadelphia, Pennsylvania 19103</p> <p>10 (215) 851-8226</p> <p>11 rnicholas@reedsmith.com</p> <p>12 arollins@reedsmith.com</p> <p>13 sroccino@reedsmith.com</p> <p>14 Representing the Defendant,</p> <p>15 AmerisourceBergen Drug Corporation</p> <p>16 and the Witness</p> <p>17 JONES DAY</p> <p>18 BY: SARAH G. CONWAY, ESQ.</p> <p>19 555 South Flower Street, 50th Floor</p> <p>20 Los Angeles, California 90071</p> <p>21 (213) 489-3939</p> <p>22 sgconway@jonesday.com</p> <p>23 Representing the Defendant, Walmart</p> <p>24</p> <p>PELINI CAMPBELL &amp; WILLIAMS</p> <p>BY: GIANNA M. CALZOLA-HELMICK, ESQ.</p> <p>8040 Cleveland Avenue NW, Suite 400</p> <p>North Canton, Ohio 44720</p> <p>(330) 305-6400</p> <p>giannac@pelini-law.com</p> <p>Representing the Defendant,</p> <p>Prescription Supply, Inc.</p> <p>COVINGTON &amp; BURLING, LLP</p> <p>BY: MEGHAN E. MONAGHAN, ESQ.</p> <p>850 Tenth Street, NW</p> <p>Suite 586N</p> <p>Washington, D.C. 20001</p> <p>mmonaghan@cov.com</p> <p>(202) 662-5110</p> <p>Representing the Defendant, McKesson</p> <p>Corporation</p>	<p>1 TELEPHONIC APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 ARNOLD &amp; PORTER KAYE SCHOLER, LLP</p> <p>4 BY: ERIC SHAPLAND, ESQ.</p> <p>5 777 Figueroa Street</p> <p>6 Los Angeles, California 90017</p> <p>7 (213) 243-4000</p> <p>8 Eric.shapland@apks.com</p> <p>9 Representing the Defendants, Endo</p> <p>10 Health Solutions; Endo</p> <p>11 Pharmaceuticals, Inc.; Par</p> <p>12 Pharmaceutical Companies, Inc. f/k/a</p> <p>13 Par Pharmaceutical Holdings, Inc.</p> <p>14</p> <p>15 BARTLIT BECK HERMAN PALENCHAR &amp;</p> <p>16 SCOTT LLP</p> <p>17 BY: MATTHEW BREWER, ESQ.</p> <p>18 Courthouse Place</p> <p>19 54 West Hubbard Street, Suite 300</p> <p>20 Chicago, Illinois 60654</p> <p>21 (312) 494-4440</p> <p>22 Matthew.brewer@bartlit-beck.com</p> <p>23 Representing the Defendant,</p> <p>24 Walgreens</p> <p>REED SMITH, LLP</p> <p>BY: LOUIS W. SCHACK, ESQ.</p> <p>Three Logan Square</p> <p>1717 Arch Street, Suite 3100</p> <p>Philadelphia, Pennsylvania 19103</p> <p>(215) 851-8226</p> <p>Lschack@reedsmith.com</p> <p>Representing the Defendant,</p> <p>AmerisourceBergen Drug Corporation</p>

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<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 ALSO PRESENT:</p> <p>4 VIDEOTAPE TECHNICIAN:</p> <p>5 Dan Lawlor</p> <p>6</p> <p>7 LITIGATION TECHNICIAN:</p> <p>8 Zach Hone</p> <p>9 ALSO PRESENT:</p> <p>10 Elizabeth Campbell, Esq.</p> <p>11 (AmerisourceBergen)</p> <p>12</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1</p> <p>2 E X H I B I T S (Cont'd.)</p> <p>3</p> <p>4</p> <p>5 NO. DESCRIPTION PAGE</p> <p>6 ABDC-Hazewski-4 Suspicious 94</p> <p>7 Order Monitoring</p> <p>8 Slide Deck</p> <p>9 Partnership Meeting</p> <p>10 10/22/12</p> <p>11 ALLERGAN_MDL_00381552</p> <p>12 -66</p> <p>13 ABDC-Hazewski-5 E-mail Thread 118</p> <p>14 1/30/13</p> <p>15 Subject, Question</p> <p>16 On OMP</p> <p>17 ABDCMDL00285348-50</p> <p>18 ABDC-Hazewski-6 E-mail, 4/8/14 123</p> <p>19 Subject, Data</p> <p>20 ABDCMDL00282490</p> <p>21 ABDC-Hazewski-7 Spreadsheet 123</p> <p>22 DC, DEA #, Customer</p> <p>23 Name</p> <p>24 ABDCMDL00282491</p> <p>ABDC-Hazewski-8 E-mail Thread 127</p> <p>3/28/17</p> <p>Subject, Walgreens</p> <p>C2 Playbook</p> <p>ABDCMDL00280818-22</p> <p>ABDC-Hazewski-9 US DOJ of 146</p> <p>Florida Walgreens</p> <p>Agrees to</p> <p>Pay a Record</p> <p>Settlement</p>
Page 7	Page 9
<p>1</p> <p>2 I N D E X</p> <p>3</p> <p>4</p> <p>5 Testimony of: EDWARD HAZEWSKI</p> <p>6 By Mr. Pifko 14</p> <p>7</p> <p>8</p> <p>9</p> <p>10 - - -</p> <p>11 E X H I B I T S</p> <p>12</p> <p>13 - - -</p> <p>14 NO. DESCRIPTION PAGE</p> <p>15 ABDC-Hazewski-1 E-mail, 3/16/12 49</p> <p>16 Subject, Draft</p> <p>17 Diversion Training</p> <p>18 ABDCMDL00265457</p> <p>19 ABDC-Hazewski-2 Slide Deck 49</p> <p>20 Prescription</p> <p>21 Drug Diversion</p> <p>22 Recognizing the</p> <p>23 Red Flags</p> <p>24 ABDC-Hazewski-3 E-mail Thread 90</p> <p>4/16/12</p> <p>Subject, Draft</p> <p>Diversion Training</p> <p>ABDCMDL00268888</p>	<p>1</p> <p>2 E X H I B I T S (Cont'd.)</p> <p>3</p> <p>4</p> <p>5 NO. DESCRIPTION PAGE</p> <p>6 ABDC-Hazewski-10 E-mail Thread 160</p> <p>7 3/27/13</p> <p>8 Subject, C2 Hyper-</p> <p>9 Accelerated Perrysburg</p> <p>10 ABDCMDL00278509-13</p> <p>11 ABDC-Hazewski-11 Letter, 2/11/13 199</p> <p>12 To Hazewski from</p> <p>13 Napoli</p> <p>14 TEVA_MDL_A_01037633-34</p> <p>15 ABDC-Hazewski-12 E-mail Thread 212</p> <p>16 3/30/11</p> <p>17 Subject, OMP</p> <p>18 ABDCMDL00267230-32</p> <p>19 ABDC-Hazewski-13 E-mail Thread 215</p> <p>20 12/31/10</p> <p>21 Subject, OMP Issues</p> <p>22 ABDCMDL00267013-14</p> <p>23 ABDC-Hazewski-14 E-mail Thread 222</p> <p>24 6/6/13</p> <p>Subject, OMP Research</p> <p>ABDCMDL00279037-39</p> <p>ABDC-Hazewski-15 E-mail Thread 235</p> <p>11/8/13</p> <p>Subject, Diversion</p> <p>Control Program</p> <p>ABDCMDL00279103</p> <p>ABDC-Hazewski-16 Diversion 235</p> <p>Control Program</p> <p>ABDCMDL00279104-107</p>

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1	- - -
2	E X H I B I T S
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5	NO. DESCRIPTION PAGE
6	ABDC-Hazewski-17 E-mail Thread 256
7	Subject, Due
8	Diligence Files
9	ABDCMDL00145881
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11	ABDC-Hazewski-18 E-mail Thread 261
12	9/13/12
13	Subject, Order
14	Monitoring
15	Program - Setting The
16	Record Straight
17	ABDCMDL00266845
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19	ABDC-Hazewski-19 Order Monitoring 261
20	Program: Setting the
21	Record Straight
22	ABDCMDL00266846-59
23	ABDC-Hazewski-20 E-mail Thread 262
24	9/13/12
	Subject, Meeting
	Forward Notification
	ABDCMDL00266860-61

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1	- - -
2	P R E V I O U S L Y M A R K E D
3	E X H I B I T S
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6	NO. DESCRIPTION
7	Zimmerman-9 Regulatory Compliance
8	Update, 8/10/17
9	Slide Deck
10	ABDCMDL00273425-25
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2	D E P O S I T I O N S U P P O R T I N D E X
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5	Direction to Witness Not to Answer
6	PAGE LINE
7	None.
8	
9	Request for Production of Documents
10	PAGE LINE
11	None.
12	
13	Stipulations
14	PAGE LINE
15	None.
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3	THE VIDEOGRAPHER: We are
4	now on the record. My name is Dan
5	Lawlor. I'm a videographer with
6	Golkow Litigation Services.
7	Today's date is
8	October 25th, 2018, and the time
9	is 9:36 a.m.
10	This video deposition is
11	being held in Philadelphia,
12	Pennsylvania, in the matter of
13	National Prescription Opiate
14	Litigation, MDL No. 2804.
15	The deponent is Edward
16	Hazewski.
17	Counsel will be noted on the
18	stenographic record.
19	The court reporter is
20	Michelle Gray and will now swear
21	in the witness.
22	- - -
23	... EDWARD HAZEWSKI, having
24	been first duly sworn, was
	examined and testified as follows:

<p style="text-align: right;">Page 14</p> <p>1           - - -</p> <p>2           EXAMINATION</p> <p>3           - - -</p> <p>4 BY MR. PIFKO:</p> <p>5       Q.   Good morning.</p> <p>6       A.   Good morning.</p> <p>7       Q.   My name is Mark Pifko, I</p> <p>8 represent the plaintiffs in the case that</p> <p>9 we're here for, and I'm going to be</p> <p>10 asking you some questions today.</p> <p>11       Let's start by -- can you</p> <p>12 please state and spell your name for the</p> <p>13 record.</p> <p>14       A.   Yes. First name is Edward.</p> <p>15 Last name Hazewski, H-A-Z-E-W-S-K-I.</p> <p>16       Q.   Have you ever had your</p> <p>17 deposition taken before?</p> <p>18       A.   I believe I have.</p> <p>19       Q.   About how long ago?</p> <p>20       A.   It would have been well over</p> <p>21 25 years ago.</p> <p>22       Q.   Okay. Was that a deposition</p> <p>23 taken in connection with a professional</p> <p>24 issue or personal issue?</p>	<p style="text-align: right;">Page 16</p> <p>1           I assume that in preparing</p> <p>2 for this deposition, you did that, but I</p> <p>3 always want to make sure that we are on</p> <p>4 the same page here.</p> <p>5           First, you see that there's</p> <p>6 a court reporter here, so we need to make</p> <p>7 sure that we are not talking over each</p> <p>8 other. That someone else in the room is</p> <p>9 talking, that, you know, we are trying</p> <p>10 not to all speak at the same time. Okay?</p> <p>11       A.   Understood.</p> <p>12       Q.   Another thing is we need to</p> <p>13 give audible responses. If you just nod</p> <p>14 your head or shrug your shoulders, we</p> <p>15 can't take that down for the record. So</p> <p>16 please make sure that you give a</p> <p>17 verbal -- verbal, audible response to any</p> <p>18 question. Understood?</p> <p>19       A.   Understood.</p> <p>20       Q.   And then please try to say</p> <p>21 "yes" or "no" rather than mm-hmm or</p> <p>22 unh-unh, because when you see it in</p> <p>23 writing, you can't really tell the</p> <p>24 difference between a yes and a no, if</p>
<p style="text-align: right;">Page 15</p> <p>1       A.   Professional.</p> <p>2       Q.   Okay. What was the nature</p> <p>3 of the deposition?</p> <p>4       A.   I don't recall the</p> <p>5 specifics, but it was during my law</p> <p>6 enforcement career.</p> <p>7       Q.   Okay. Where were you a</p> <p>8 law enforcement officer?</p> <p>9       A.   I was a law enforcement</p> <p>10 officer in Wilmington, Delaware. And for</p> <p>11 the State of Delaware, the Office of the</p> <p>12 Attorney General.</p> <p>13       Q.   Okay. When did you serve in</p> <p>14 that role?</p> <p>15       A.   The Attorney General's?</p> <p>16       Q.   Well, the question --</p> <p>17       A.   My police career, 1974</p> <p>18 through 1994. Then five additional years</p> <p>19 with the Attorney General's office.</p> <p>20 Somewhere '96 through 2000. Roughly.</p> <p>21       Q.   Okay. Well, since it's been</p> <p>22 20, 25 years maybe since you had your</p> <p>23 deposition taken, let's just go over some</p> <p>24 of the ground rules.</p>	<p style="text-align: right;">Page 17</p> <p>1 it's mm-hmm or unh-unh. Okay?</p> <p>2       A.   Understood.</p> <p>3       Q.   I'm going to be asking you</p> <p>4 some questions as I said. If you don't</p> <p>5 understand your -- my questions, please</p> <p>6 let me know and I'll try to rephrase it.</p> <p>7 Okay?</p> <p>8       A.   Okay.</p> <p>9       Q.   From time to time your</p> <p>10 counsel might assert an objection, but</p> <p>11 unless he instructs you not to answer,</p> <p>12 I'm still entitled to a response. Okay?</p> <p>13       A.   Okay.</p> <p>14       Q.   You understand that the</p> <p>15 court reporter just administered the oath</p> <p>16 to you. Yes?</p> <p>17       A.   Yes.</p> <p>18       Q.   Okay. And that means that</p> <p>19 if you are untruthful or intentionally</p> <p>20 misleading or dishonest, you can be</p> <p>21 subject to penalties from the court. Do</p> <p>22 you understand that?</p> <p>23       A.   Understood.</p> <p>24       Q.   Okay. Is there any reason</p>

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1 why you think this deposition should not  
2 proceed today?

3 A. No.

4 Q. Are you taking any  
5 medications or undergoing any treatment  
6 that would impair your ability to tell  
7 the truth?

8 A. No.

9 Q. Are you -- same thing, are  
10 you taking the medications or undergoing  
11 the treatment that would impair your  
12 memory?

13 A. No.

14 Q. Okay. From time to time,  
15 we're going to obviously be talking about  
16 things that happened in the past. I'm  
17 entitled to your best recollection of  
18 those events. Okay?

19 A. Okay.

20 Q. At the same time, I don't  
21 want you to guess. So if you have a  
22 rough estimate or a memory of something,  
23 please provide it to the best you're able  
24 to do so. But if -- if you just simply

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1 don't know, I don't want you to make up  
2 an answer. Okay?

3 A. Okay.

4 Q. So you are currently  
5 employed by AmerisourceBergen, correct?

6 A. Correct.

7 Q. What's your current title?

8 A. Director diversion control  
9 and security.

10 Q. Who do you report to?

11 A. David May.

12 Q. Where are you physically  
13 located? Here in Pennsylvania?

14 A. Yes. In Valley Forge,  
15 Pennsylvania.

16 Q. When did you first become  
17 employed by AmerisourceBergen?

18 A. June of 2007.

19 Q. What was the position that  
20 you took when you were first hired?

21 A. I believe the title was  
22 corporate investigator.

23 Q. How long did you hold that  
24 position?

Page 20

1 A. Roughly a year.

2 Q. And then what -- what was  
3 your next role?

4 A. My next role was as manager  
5 of the diversion control program.

6 Q. And sorry, when you started  
7 at the company as a corporate  
8 investigator, who did you report to?

9 A. My best recollection is  
10 Bruce Gundy was my direct report -- or I  
11 reported directly to him.

12 Q. Is Bruce Gundy still with  
13 the company?

14 A. Yes, he is.

15 Q. What role is he in now?

16 A. He is director diversion  
17 control and security, in charge of  
18 investigations.

19 Q. So you said you are director  
20 of diversion control. What is your area  
21 of focus currently?

22 A. Currently it's special  
23 projects as identified by David May.

24 Q. How long have you been in

Page 21

1 that role?

2 A. Probably since March of this  
3 year.

4 Q. Okay. Going back. So  
5 corporate investigator, and then manager  
6 of diversion and control. Who did you  
7 report to when you were manager of  
8 diversion control?

9 A. Chris Zimmerman.

10 Q. How long were you in that  
11 position?

12 A. From 2008 until 2014. I  
13 can't be more specific in terms of --

14 Q. Okay. In 2014, what role  
15 did you move into?

16 A. I -- I moved into the role  
17 as -- with corporate investigations,  
18 working along with Bruce Gundy.

19 Q. And how long were you in  
20 that role?

21 A. I would say approximately  
22 two years.

23 Q. And then where did you move  
24 to?



Page 22

1 A. I stayed within the  
2 corporate security structure, but I  
3 became director of -- in charge of  
4 physical security.

5 Q. How long were you in that  
6 role?

7 A. Until I assumed my current  
8 position.

9 Q. Okay. Who did you report to  
10 when you were director of physical  
11 security?

12 A. David May.

13 Q. During the period when you  
14 were manager of diversion control, you  
15 said that you reported to Chris  
16 Zimmerman. Do you recall saying that?

17 A. Yes.

18 Q. Was there also a period when  
19 you reported to Steve Mays?

20 A. I worked closely with Steve.  
21 I don't recall directly reporting to  
22 Steve.

23 Q. Okay. When you joined the  
24 company in June 2007, did they inform you

Page 23

1 that there was -- that the company had  
2 just entered into an agreement with the  
3 United States Department of Justice  
4 through the drug administration -- Drug  
5 Enforcement Administration?

6 MR. NICHOLAS: Object to the  
7 form. You can answer.

8 THE WITNESS: I was aware of  
9 the company's involvement with --  
10 with the government on -- on that  
11 issue.

12 BY MR. PIFKO:

13 Q. What did they tell you about  
14 that issue when you joined the company?

15 MR. NICHOLAS: Object to the  
16 form.

17 BY MR. PIFKO:

18 Q. You can answer unless he --  
19 he'll tell you very clearly if he doesn't  
20 want you to answer.

21 MR. NICHOLAS: On this, I  
22 will -- the only thing that I'd  
23 add is, to the extent that there's  
24 any communications in answer to

Page 24

1 this question or any question that  
2 involve information that was  
3 transmitted to you by an attorney,  
4 that's privileged and you don't  
5 have to include that in your  
6 answer and you shouldn't. And I  
7 would instruct you not to.

8 But go ahead.

9 THE WITNESS: I don't recall  
10 a circumstance where I was -- sat  
11 down and someone actually  
12 explained to me the -- the issues  
13 that were going on with the Drug  
14 Enforcement Administration at the  
15 time.

16 I'm sure there was  
17 conversation between myself, my  
18 peers and our lead team, but I  
19 don't recall any specifics of what  
20 was said.

21 BY MR. PIFKO:

22 Q. So you just had a general  
23 awareness when you joined the company  
24 that that -- that enforcement action was

Page 25

1 out there and people were dealing with  
2 it, is that correct?

3 MR. NICHOLAS: Object to the  
4 form.

5 THE WITNESS: That would be  
6 correct.

7 BY MR. PIFKO:

8 Q. So you joined as an  
9 investigator. And you were in the CSRA  
10 division, correct?

11 A. Correct.

12 Q. What -- what was your job as  
13 an investigator at that time? What were  
14 your duties?

15 A. Well, I would be assigned  
16 cases by Bruce Gundy, obviously to  
17 investigate. It ran the gamut. There  
18 was no specific area that -- that I  
19 concentrated on. It was, again, whatever  
20 required some sort of investigative work,  
21 it would be assigned.

22 Q. You're -- are you familiar  
23 with the order monitoring program that  
24 was implemented in 2007?

Page 26

1 A. Yes.

2 Q. Are you familiar with the  
3 fact that certain orders from a  
4 distribution center could be sent to the  
5 CSRA for investigation?

6 A. Yes.

7 Q. Okay. Were you involved in  
8 reviewing orders that were submitted from  
9 the distribution centers?

10 A. Can you specify what time  
11 period you're talking about?

12 Q. When you first joined the  
13 company.

14 A. I was aware of the process  
15 of orders having to be reviewed. I don't  
16 recall specifically reviewing orders  
17 myself, but I was aware of the process.

18 Q. Did you work with anybody  
19 whose job it was to review the orders at  
20 that time?

21 A. Yes.

22 Q. Okay. Who were those  
23 people?

24 A. That would have been Bruce

Page 27

1 Gundy and Steve Mays.

2 Q. Anyone else?

3 A. No one else that I can  
4 recall.

5 Q. So at that time, that first  
6 year from June 2007 to approximately  
7 June 2008, did you ever review orders  
8 that had been identified from the  
9 distribution center as needing  
10 investigation?

11 A. I don't recall specifically  
12 doing that, but it's likely that I did.

13 Q. I want to understand the  
14 investigation process for doing that.  
15 So, okay, you said that you would be  
16 tasked by Bruce Gundy with conducting a  
17 variety of investigations, correct?

18 A. Correct.

19 Q. Did all of those  
20 investigations concern potential  
21 diversion issues?

22 A. No.

23 Q. Okay. About what percentage  
24 of the investigations concerned diversion

Page 28

1 issues?

2 A. That would be a guess. I  
3 really have no idea what percentage  
4 constituted those.

5 Q. Okay. Did you work on any  
6 investigations that concerned diversion  
7 issues at that time when you were an  
8 investigator when you first joined the  
9 company?

10 A. I don't recall any  
11 investigations that involved potential  
12 diversion other than the report, or the  
13 order review process.

14 Q. Okay. And you did find  
15 yourself involved with the order review  
16 process during that time?

17 MR. NICHOLAS: Objection.  
18 Asked and answered.

19 THE WITNESS: Again, it's  
20 likely that I reviewed orders  
21 during that period of time. I  
22 just have no specific  
23 recollection.

24 BY MR. PIFKO:

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1 Q. Okay. Do you have a  
2 recollection about the process that one  
3 would use to review and investigate an  
4 order?

5 A. Yes.

6 Q. Okay. Can you tell me what  
7 the process was?

8 A. Well, it would be a review  
9 of the actual order. The product  
10 being -- the product in question that  
11 constitutes the order, looking at a  
12 purchase history of the customer. Trying  
13 to determine if the order is unusual in  
14 some fashion that would have caused it to  
15 trigger a further investigation.

16 Q. Okay. So if -- do you  
17 remember the potential outcomes of  
18 investigation?

19 So you review an order.  
20 You're looking for the things that you  
21 just described. If you -- if you don't  
22 see any of that, what happens?

23 A. Well, without looking at a  
24 specific order, I would just have to say



<p style="text-align: right;">Page 30</p> <p>1 that if there are no indicators of 2 potential diversion, then the order would 3 be released. 4 Q. Okay. And it would be 5 shipped? 6 A. Correct. 7 Q. Okay. And then if you did 8 find some potential indicators of 9 diversion, then what would you do? 10 A. The order would be canceled 11 and not shipped. 12 Q. Okay. And then you 13 mentioned that there could be further 14 investigation; is that correct? 15 A. On a specific order? 16 Q. Yeah. Or is that it? 17 A. No. What I just described 18 constitutes the process. 19 Q. Okay. What factors would 20 you look at in the ordering history or 21 any information about the customer to 22 determine if you felt, in your words, the 23 order was unusual? 24 A. We would look for -- or I</p>	<p style="text-align: right;">Page 32</p> <p>1 appeared to be more frequent, what kind 2 of questions would you ask the 3 pharmacist? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: I would ask 7 why and have them provide an 8 explanation as to the reason for 9 those factors. 10 BY MR. PIFKO: 11 Q. Can you name some things 12 that, based on your experience, a 13 pharmacist might say that would alleviate 14 any concerns that you would have had? 15 MR. NICHOLAS: Object to the 16 form. 17 THE WITNESS: I don't know 18 that they would alleviate any 19 concerns, but I would -- a 20 potential response to a question 21 like that would be -- it could 22 deal with pricing issues. In 23 other words, they are trying to 24 purchase prior to what they</p>
<p style="text-align: right;">Page 31</p> <p>1 would look for the quantity being ordered 2 versus their historical usage, whether 3 the order fits a pattern that the 4 customer usually ordered. Is the order 5 more frequent than normally seen with 6 this particular customer? If necessary, 7 a call to the customer, meaning usually 8 the pharmacist in charge, to clear up any 9 issues that may have arisen through this 10 review and to get some clarity from the 11 customer as to why we're even looking at 12 this order. 13 Q. What kind of questions would 14 you ask the pharmacist in charge to 15 figure out answers to those questions? 16 MR. NICHOLAS: Object to the 17 form. 18 THE WITNESS: I would need 19 the specifics of the order to be 20 able to frame questions that would 21 be asked. 22 BY MR. PIFKO: 23 Q. If you saw an order that was 24 unusually large for that customer or</p>	<p style="text-align: right;">Page 33</p> <p>1 anticipate might be a price rise. 2 I know there's other factors 3 that are escaping me at the 4 moment. But there's any number of 5 potential responses that would 6 either, A, alleviate my concerns, 7 or fail -- fail to do so. 8 BY MR. PIFKO: 9 Q. From the perspective of 10 looking at the size of the order, how 11 would you judge whether it was an 12 unusually sized order? 13 MR. NICHOLAS: Object to the 14 form. 15 THE WITNESS: By comparing 16 it to their historical purchases. 17 BY MR. PIFKO: 18 Q. What data would you look at? 19 Where would you obtain historical 20 purchasing data? 21 A. Through our -- through our 22 system that was being used at the time. 23 I can't explain the computer facets of 24 that -- of that review, but we had access</p>

<p style="text-align: right;">Page 34</p> <p>1 to the data.</p> <p>2 Q. Okay. So you would pull up</p> <p>3 something on the computer that would</p> <p>4 provide you with the customer's</p> <p>5 purchasing history?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Have you heard of the</p> <p>8 Star system?</p> <p>9 A. I can't say that I have, no.</p> <p>10 Q. Have you heard of the SAP</p> <p>11 system?</p> <p>12 A. Yes.</p> <p>13 Q. The systems that -- is SAP</p> <p>14 system a system that AmerisourceBergen</p> <p>15 used?</p> <p>16 A. It was instituted at some</p> <p>17 point. But I don't know the time frame</p> <p>18 of that.</p> <p>19 Q. Okay. It was instituted</p> <p>20 after you started at the company,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And you don't</p> <p>24 remember what the name was of the system</p>	<p style="text-align: right;">Page 36</p> <p>1 as part of your investigation, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you're looking at the</p> <p>4 customer's order history over the</p> <p>5 previous year, correct?</p> <p>6 A. Correct.</p> <p>7 Q. So what would constitute an</p> <p>8 unusually large order when you're</p> <p>9 conducting an investigation like that?</p> <p>10 MR. NICHOLAS: Object to the</p> <p>11 form. Go ahead.</p> <p>12 THE WITNESS: There's not a</p> <p>13 hard and fast rule. We would just</p> <p>14 look at the totality of the</p> <p>15 information generated and make a</p> <p>16 determination.</p> <p>17 I can't say that for every</p> <p>18 order there was a specific</p> <p>19 percentage or quantity that would</p> <p>20 satisfy that information.</p> <p>21 BY MR. PIFKO:</p> <p>22 Q. Did you receive training on</p> <p>23 how to conduct these investigations?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 prior to that?</p> <p>2 A. No. All I know is I plugged</p> <p>3 in what I wanted to find, and it</p> <p>4 appeared.</p> <p>5 Q. How -- when you're looking</p> <p>6 at a customer's order history, how far</p> <p>7 back would you look?</p> <p>8 MR. NICHOLAS: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: A year.</p> <p>11 BY MR. PIFKO:</p> <p>12 Q. And when you're looking</p> <p>13 at -- to see if the size is unusual,</p> <p>14 how -- how much over the prior years'</p> <p>15 orders would constitute something that is</p> <p>16 unusually large?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form. Very unspecific question.</p> <p>19 Go ahead.</p> <p>20 THE WITNESS: Can you repeat</p> <p>21 the question?</p> <p>22 BY MR. PIFKO:</p> <p>23 Q. Yeah. So you're looking to</p> <p>24 determine if an order is unusually large</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Who provided that training</p> <p>2 to you?</p> <p>3 A. Primarily Bruce Gundy and</p> <p>4 Steve Mays.</p> <p>5 Q. Was that -- was there any</p> <p>6 written documentation that was provided</p> <p>7 to you in your training?</p> <p>8 A. I don't recall any specific</p> <p>9 documents.</p> <p>10 Q. Was it like a formal</p> <p>11 training session where you sit in a room,</p> <p>12 someone gives you a presentation, or was</p> <p>13 it more like on-the-job, you just kind of</p> <p>14 start sitting down and they show you what</p> <p>15 to do?</p> <p>16 A. I would say it was a</p> <p>17 combination of both.</p> <p>18 Q. Prior to joining</p> <p>19 AmerisourceBergen, did you have any</p> <p>20 familiarity with the Controlled</p> <p>21 Substances Act?</p> <p>22 A. I did not.</p> <p>23 Q. Did anyone when you joined</p> <p>24 the company give you training on the</p>

<p style="text-align: right;">Page 38</p> <p>1 Controlled Substances Act?</p> <p>2 A. I don't recall specifically</p> <p>3 speaking of the Controlled Substance Act.</p> <p>4 Q. How about generally?</p> <p>5 A. Everything discussed was</p> <p>6 generally -- generally concerned</p> <p>7 obviously not only the Controlled</p> <p>8 Substance Act but diversion issues or</p> <p>9 potential diversion issues in general.</p> <p>10 Q. Did you undertake any</p> <p>11 efforts on your own to become familiar</p> <p>12 with the laws and regulations under the</p> <p>13 Controlled Substances Act when you joined</p> <p>14 the company?</p> <p>15 A. I tried to keep informed on</p> <p>16 my own, yes.</p> <p>17 Q. How did you do that?</p> <p>18 A. Reading the statutes.</p> <p>19 Reading the literature available.</p> <p>20 Q. At any point -- and so I had</p> <p>21 asked you earlier if when you joined the</p> <p>22 company there was training on the</p> <p>23 Controlled Substance Act.</p> <p>24 At any point later when you</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Can you recall any specific</p> <p>3 such instances?</p> <p>4 A. Of training?</p> <p>5 Q. Yeah, with other members of</p> <p>6 the industry.</p> <p>7 A. Yes, I could remember</p> <p>8 basic -- it was called basic diversion</p> <p>9 training sponsored by the National</p> <p>10 Association of Drug Diversion</p> <p>11 Investigators. That was a week-long</p> <p>12 training session held in -- somewhere in</p> <p>13 Virginia. There were other -- the</p> <p>14 acronym for the organization I just</p> <p>15 mentioned is NADDI.</p> <p>16 There were other similar</p> <p>17 trainings sponsored by NADDI that I</p> <p>18 attended along with folks from throughout</p> <p>19 the industry as well as law enforcement.</p> <p>20 There was -- we did internal training for</p> <p>21 our associates on diversion-related</p> <p>22 issues.</p> <p>23 So to answer your question,</p> <p>24 yes, I -- those are a sampling of the</p>
<p style="text-align: right;">Page 39</p> <p>1 worked for the company, was there any</p> <p>2 training provided to you concerning</p> <p>3 the Controlled Substance Act?</p> <p>4 A. Well, I was involved with</p> <p>5 and received training in a lot of</p> <p>6 different areas concerning controlled</p> <p>7 substances, potential diversion issues,</p> <p>8 investigation of those kinds of issues.</p> <p>9 So, yes. Again, not specifically called</p> <p>10 the Controlled Substances Act, but all of</p> <p>11 the related issues surrounding that --</p> <p>12 that information.</p> <p>13 Q. Do you recall the names of</p> <p>14 anyone at the company who, after you</p> <p>15 joined the company, provided training to</p> <p>16 you concerning the Controlled Substance</p> <p>17 Act?</p> <p>18 A. No, I don't.</p> <p>19 Q. Did you ever attend any</p> <p>20 seminars with other members of the</p> <p>21 pharmaceutical distribution industry</p> <p>22 where you were trained or discussed the</p> <p>23 laws and -- and regulations under the</p> <p>24 Controlled Substance Act?</p>	<p style="text-align: right;">Page 41</p> <p>1 types of training that I participated in.</p> <p>2 Q. When was the first time you</p> <p>3 recall attending basic diversion</p> <p>4 training?</p> <p>5 A. I would say it was probably</p> <p>6 within my first year of employment.</p> <p>7 Q. I want to go back for a</p> <p>8 second. We talked about the process of</p> <p>9 investigating orders that had been</p> <p>10 identified by the distribution center for</p> <p>11 you to investigate.</p> <p>12 When you made a decision</p> <p>13 about whether an order should be</p> <p>14 released, as you said, or canceled, did</p> <p>15 you document that somewhere?</p> <p>16 A. Yes. On the screen of the</p> <p>17 system that we were utilizing to -- to</p> <p>18 gather the data.</p> <p>19 My recollection is there was</p> <p>20 a note section that would prompt you to</p> <p>21 enter a synopsis of the issue you're</p> <p>22 working on.</p> <p>23 Q. And did you -- would you</p> <p>24 describe the decisionmaking process that</p>

<p style="text-align: right;">Page 42</p> <p>1 you used to make your determination in  2 those notes?  3 A. It's the same process that I  4 alluded to -- to an earlier question,  5 the -- looking at the specific -- the  6 historical data and so forth.  7 Q. What I'm asking is, would  8 you type in the notes -- let's say you  9 cancel an order. You say canceled  10 because something you found in your  11 investigation led you to cancel. Would  12 you write that in the notes?  13 MR. NICHOLAS: Object to the  14 form. Go ahead.  15 THE WITNESS: In all  16 likelihood. I don't recall any  17 specific instances or can tell you  18 precisely what was entered. But,  19 yes.  20 BY MR. PIFKO:  21 Q. Okay. And then if you  22 released an order, would you type in the  23 basis of your decision to release it in  24 there, like I looked at this, and for</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. What type of people were the  2 audience in your training sessions that  3 you can recall?  4 A. Well, our thought when  5 addressing these issues is that everyone,  6 all associates play a role in preventing  7 potential diversion. So the -- the  8 audience varied. It included people in  9 our distribution centers who had occasion  10 to -- to handle controlled substances.  11 It included our salespeople who were kind  12 of like the eyes and ears for corporate  13 security when it came to discussing  14 diversion issues with -- with customers.  15 It included the management folks.  16 So generally speaking,  17 everyone within the organization had some  18 exposure to discussions or training that  19 related to potential diversion issues.  20 Q. When you say that the  21 salespeople were the eyes and the ears, I  22 can't remember exactly how you said it,  23 but they were the eyes and ears, what did  24 you mean by that?</p>
<p style="text-align: right;">Page 43</p> <p>1 whatever reason, you weren't concerned  2 and decided to release it?  3 A. Yes.  4 Q. And those would all be  5 maintained in the -- that database?  6 A. Yes.  7 Q. If someone wanted to look  8 back at those, they could?  9 MR. NICHOLAS: Object to the  10 form.  11 THE WITNESS: Yes.  12 BY MR. PIFKO:  13 Q. Did you ever provide  14 training to anybody else at the company  15 concerning the Controlled Substances Act?  16 A. I wouldn't call it training  17 on the Controlled Substances Act, but on  18 diversion-related issues or potentially  19 diversion-related issues, yes.  20 Q. Do you recall specific  21 instances of doing that?  22 A. I couldn't give you dates  23 and times, but generally the audience I  24 could probably address to some extent.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Well, the -- the thought  2 with giving training to the sales  3 associates is that they were in and out  4 of the customer locations. So they had  5 the potential to be able to observe  6 behavior in -- in the pharmacy or  7 surrounding the pharmacy that might be  8 cause for concern. And we stressed to  9 the -- to these associates that it was  10 their responsibility to let someone know  11 if they -- if something occurred that  12 they felt uncomfortable with or that they  13 had suspicions about.  14 So again, we would give them  15 this training to discuss certain  16 indicators with the expectations that if  17 they came across any of these indicators,  18 they would report it to corporate  19 security.  20 Q. Is it your understanding  21 that at all times while you worked for  22 AmerisourceBergen, salespeople were  23 tasked with making these observations for  24 you?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. I don't recall when                  2 specifically the training occurred, but                  3 the discussions were during my tenure                  4 with the diversion control team.                  5 Q. What I'm trying to get at,                  6 was there -- was there a period when                  7 there was no expectation that salespeople                  8 would be providing these observations and                  9 then at some point the company decided                  10 you wanted to alert salespeople to be                  11 doing this, or was it always the case?                  12 A. No, I -- I don't believe                  13 there was a period when there was any                  14 thought that they never had a role in --                  15 in identifying potential diversion.                  16 I think as time went on,                  17 that role became more crucial and                  18 discussed in greater detail than perhaps                  19 when I first started with the company.                  20 But then of course I didn't                  21 know what I didn't know when I first                  22 started with the company. So that may                  23 very well have been taking place.                  24 Q. Did you feel that the</p>	<p style="text-align: right;">Page 48</p> <p>1 company, correct?                  2 MR. NICHOLAS: Object to the                  3 form.                  4 THE WITNESS: I wouldn't                  5 assume they didn't know because                  6 that they weren't told. I think                  7 it's -- I think they were aware of                  8 the issues, and I think I would                  9 give them enough credit to say                  10 that they did their own research                  11 as well and had an idea of what --                  12 what looks wrong and what's                  13 potentially wrong.                  14 But that's not to say --                  15 again, I don't want to make it                  16 sound like this was a regular call                  17 I received from sales associates,                  18 because, you know, we deal with                  19 legitimate, licensed entities as                  20 far as pharmacies, hospitals and                  21 others that, you know, procure the                  22 product.                  23 So it's not like it was a                  24 day in and day out situation.</p>
<p style="text-align: right;">Page 47</p> <p>1 observations provided by salespeople                  2 about what was occurring at your                  3 customers' locations was an important                  4 part of the diversion control program?                  5 A. It was just one component of                  6 the diversion control program. But yes,                  7 important.                  8 Q. And to some degree, if you                  9 want to -- as you said, the salespeople                  10 are the eyes and ears, so if you want to                  11 know what's happening at these customers'                  12 sites, the only people who would know are                  13 the salespeople who are going there,                  14 agree?                  15 MR. NICHOLAS: Object to the                  16 form.                  17 THE WITNESS: Well, they                  18 would be in the best position to                  19 relay that information that they                  20 observed.                  21 BY MR. PIFKO:                  22 Q. And if they were not told                  23 to -- what to look for, they wouldn't be                  24 able to report anything back to the</p>	<p style="text-align: right;">Page 49</p> <p>1 (Document marked for                  2 identification as Exhibit                  3 ABDC-Hazewski-1.)                  4 (Document marked for                  5 identification as Exhibit                  6 ABDC-Hazewski-2.)                  7 BY MR. PIFKO:                  8 Q. I'm handing you what are                  9 marked as Exhibits 1 and 2.                  10 Exhibit 1 is a document                  11 Bates-labeled ABDCMDL00265457 and                  12 Exhibit 2 is a PowerPoint presentation                  13 Bates-labeled ABDCMDL00265458. I believe                  14 that was produced natively. So it only                  15 has one Bates number for the entire                  16 document.                  17 Take a minute to review                  18 these documents and let me know when                  19 you're done.                  20 A. Okay.                  21 Q. Exhibit 2 is a presentation.                  22 I mean, take as much time as you need.                  23 But you don't need to read necessarily                  24 every word. I'll direct you to some</p>



<p style="text-align: right;">Page 50</p> <p>1 questions, and if you want to review it</p> <p>2 while I'm asking you questions, you can</p> <p>3 do that. But let me know when you're</p> <p>4 ready.</p> <p>5 A. Okay. Okay. I'm ready.</p> <p>6 Q. The first document is an</p> <p>7 e-mail from you to several people</p> <p>8 attaching the second document.</p> <p>9 Have you seen this document</p> <p>10 before?</p> <p>11 A. I have no specific</p> <p>12 recollection, but my name is on it. So I</p> <p>13 would assume I have at some point.</p> <p>14 Q. How about the presentation?</p> <p>15 Do you remember putting this presentation</p> <p>16 together, Exhibit 2?</p> <p>17 A. Again, not specifically, but</p> <p>18 it looks like something that I would have</p> <p>19 done.</p> <p>20 Q. It says here on Exhibit 1,</p> <p>21 "Attached is a draft of the presentation</p> <p>22 that I'm planning to have put on the</p> <p>23 learning management system."</p> <p>24 Do you see that?</p>	<p style="text-align: right;">Page 52</p> <p>1 this e-mail is dated April 16th, 2012.</p> <p>2 Do you see that on the e-mail?</p> <p>3 A. Yeah.</p> <p>4 Q. Sent date. It says you're</p> <p>5 still working on the last few slides and</p> <p>6 you're asking for people's commentary.</p> <p>7 So maybe it's not in final form yet, but</p> <p>8 was this the first time that you put</p> <p>9 together a presentation like this?</p> <p>10 A. I don't know the answer to</p> <p>11 that.</p> <p>12 Q. Do you recall ever providing</p> <p>13 training like this earlier in your tenure</p> <p>14 at the company?</p> <p>15 A. I participated in and</p> <p>16 presented training fairly regularly. So</p> <p>17 but to put this into the context of when</p> <p>18 it occurred versus any other</p> <p>19 presentation, I don't know the answer to</p> <p>20 that.</p> <p>21 Q. The title of this</p> <p>22 presentation, the first page, Exhibit 2,</p> <p>23 says "Prescription Drug Diversion,</p> <p>24 Recognizing the Red Flags."</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. "Keep in mind that there</p> <p>3 will be dialogue associated with each</p> <p>4 slide. The training is aimed at sales</p> <p>5 associates, inside sales, and customer</p> <p>6 service reps in addition to any</p> <p>7 distribution center associates with an</p> <p>8 OMP function or those who handle</p> <p>9 controlled substances."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Does that refresh</p> <p>13 your recollection about who this training</p> <p>14 was intended to be for?</p> <p>15 A. Well, I think it spells it</p> <p>16 out, yes.</p> <p>17 Q. What's the learning</p> <p>18 management system?</p> <p>19 A. My understanding, an online</p> <p>20 program where an associate can sit down</p> <p>21 and do the training at their own pace</p> <p>22 without -- you know, minus a big</p> <p>23 presentation to a larger group.</p> <p>24 Q. This particular training,</p>	<p style="text-align: right;">Page 53</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Is there anything new about</p> <p>4 the idea of recognizing red flags that</p> <p>5 came to light in 2012?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: I don't know</p> <p>9 what was new versus what was not</p> <p>10 new. So I would have to say I</p> <p>11 don't know the answer to that.</p> <p>12 BY MR. PIFKO:</p> <p>13 Q. Okay. What I'm trying to</p> <p>14 get at is, is the idea of recognizing a</p> <p>15 red flag or looking for a red flag of</p> <p>16 diversion something that, as far as you</p> <p>17 know, was always part of the idea of</p> <p>18 preventing diversion?</p> <p>19 A. As far as I know.</p> <p>20 Q. Yes?</p> <p>21 A. Yes.</p> <p>22 Q. So it's discussed in here,</p> <p>23 but I want to ask you. What's your</p> <p>24 understanding -- and you don't</p>



<p style="text-align: right;">Page 54</p> <p>1 necessarily have to read. I don't want                  2 you to read this back to me as your                  3 answer. But what's your understanding of                  4 what diversion is?                  5 A. Removing the -- a                  6 pharmaceutical product from its intended                  7 path for a nonmedical purpose.                  8 Q. And do you understand that,                  9 as a distributor, AmerisourceBergen is                  10 what they call a registrant under the                  11 Controlled Substance Act?                  12 A. Yes. I know that.                  13 Q. Okay. And you understand                  14 that along with the right to distribute                  15 controlled substances, a registrant also                  16 has certain obligations that they must                  17 follow under the law, correct?                  18 A. Correct.                  19 Q. Okay. And one of those                  20 obligations is to maintain effective                  21 controls to prevent diversion; is that                  22 correct?                  23 A. Yes.                  24 Q. What does that mean to you,</p>	<p style="text-align: right;">Page 56</p> <p>1 sales, and customer service reps about                  2 indicia of potential diversion, that by                  3 telling them what to look for, they are                  4 supposed to help stop it from occurring?                  5 MR. NICHOLAS: Object to the                  6 form.                  7 THE WITNESS: No. They're                  8 providing information for                  9 corporate security that can then                  10 be passed along to an authority                  11 that is able to deal with those                  12 issues.                  13 BY MR. PIFKO:                  14 Q. Do you have an understanding                  15 about whether, under the company's                  16 practices and the law, if an order is                  17 identified as suspicious, if you're                  18 permitted to ship it to a customer?                  19 MR. NICHOLAS: Object to the                  20 form.                  21 THE WITNESS: It's -- it's                  22 AmerisourceBergen's policy not to                  23 ship suspicious orders.                  24 BY MR. PIFKO:</p>
<p style="text-align: right;">Page 55</p> <p>1 to maintain effective controls to prevent                  2 diversion?                  3 MR. NICHOLAS: Object to the                  4 form.                  5 Go ahead.                  6 THE WITNESS: To operate a                  7 system that is going to assist in                  8 identifying potential diversion.                  9 BY MR. PIFKO:                  10 Q. And preventing it as well?                  11 MR. NICHOLAS: Object to the                  12 form.                  13 THE WITNESS: I don't know                  14 that we can prevent diversion. We                  15 have an obligation to report                  16 suspicious orders to the DEA, but                  17 in terms of preventing diversion,                  18 I think that falls more into the                  19 DEA's lap than the wholesale                  20 distributor.                  21 BY MR. PIFKO:                  22 Q. Do you believe that, in this                  23 training, telling -- as you said in your                  24 e-mail, telling sales associates, inside</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. And why is that?                  2 A. That's a policy that we've                  3 adopted.                  4 Q. Do you have any reason why                  5 the company adopted that policy?                  6 MR. NICHOLAS: Objection to                  7 the form. Asked and answered.                  8 THE WITNESS: Well, it                  9 satisfies our obligation to report                  10 the order. And we don't want to                  11 ship any order that is deemed to                  12 be suspicious.                  13 BY MR. PIFKO:                  14 Q. Why don't you want to ship                  15 an order that is deemed to be suspicious?                  16 MR. NICHOLAS: Object to the                  17 form. Asked and answered twice.                  18 Go ahead.                  19 THE WITNESS: Again, it's                  20 the company's policy not to do so.                  21 BY MR. PIFKO:                  22 Q. One thing is what is. I'm                  23 asking why. So you said we don't want to                  24 ship an order that is deemed suspicious.</p>

<p style="text-align: right;">Page 58</p> <p>1 So my question is why you don't want to 2 ship an order that is deemed suspicious. 3 MR. NICHOLAS: Asked and 4 answered. Objection. 5 MR. SHAPLAND: Objection to 6 form as well. Eric Shapland. 7 THE WITNESS: I have nothing 8 to add to my answer. Other than 9 it's our company's policy not to 10 ship a suspicious order. 11 BY MR. PIFKO: 12 Q. Do you have any 13 understanding about why you wouldn't want 14 to ship a suspicious order? 15 MR. NICHOLAS: Object to 16 form. Asked and answered. 17 THE WITNESS: No, other than 18 it's our policy. 19 BY MR. PIFKO: 20 Q. Would you agree that by not 21 shipping an order that is suspicious, you 22 can stop it from getting it into illegal 23 hands? 24 MR. NICHOLAS: Object to the</p>	<p style="text-align: right;">Page 60</p> <p>1 further investigation if identified. 2 Q. Why would these things lead 3 you to want to conduct closer scrutiny, 4 something that's a red flag? 5 MR. NICHOLAS: Object to the 6 form. Go ahead though. 7 THE WITNESS: Well, it's -- 8 it's information that comes to 9 light that prompts more questions. 10 And in order to thoroughly 11 investigate suspicious orders or 12 indicators of potential diversion, 13 it's necessary to identify the 14 flag and -- and try to determine 15 the reasons behind that red flag. 16 Perhaps there's reasonable -- a 17 reasonable explanation for 18 something, perhaps not. 19 BY MR. PIFKO: 20 Q. Well, let's go through 21 the -- the next -- some of these red 22 flags that you put in your presentation 23 here. 24 The first one is,</p>
<p style="text-align: right;">Page 59</p> <p>1 form. 2 THE WITNESS: I -- I 3 personally never saw a correlation 4 between suspicious orders and 5 potential diversion. 6 It's a business decision for 7 the company to make as to whether 8 or not we're going to ship an 9 order that is classified as 10 suspicious. 11 And as stated, it's our 12 policy not to do so. 13 BY MR. PIFKO: 14 Q. Let's go a few pages into 15 your PowerPoint presentation. 16 There's a page that says red 17 flags. It's on the screen in front of 18 you to help you find it. 19 A. I got it. 20 Q. Okay. Do you know what a 21 red flag is in the context of this 22 presentation? 23 A. A red flag is something that 24 could possibly involve closer scrutiny or</p>	<p style="text-align: right;">Page 61</p> <p>1 "Dispensing large quantities of Oxycodone 2 prescriptions, (greater than 12 to 3 15 percent) when compared with total 4 number of prescriptions." 5 Do you see that? 6 A. Yes. 7 Q. Is this something that you 8 wrote here in your presentation? 9 A. If I authored it, yes. But 10 I'm not certain. I don't recall 11 specifically doing that. 12 Q. The e-mail says: "Attached 13 is a draft presentation that I am 14 planning to have put on" -- it appears to 15 be something that you're putting 16 together. Do you dispute that? 17 A. No, I do not. 18 Q. Okay. Why is dispensing a 19 large quantity, something that's 12 to 20 15 percent more of Oxycodone when -- 21 sorry, let me just rephrase that. 22 Why would dispensing a large 23 quantity of Oxycodone in comparison with 24 the total number of prescriptions at a</p>

<p style="text-align: right;">Page 62</p> <p>1 pharmacy be a red flag?</p> <p>2 A. Well, based on information</p> <p>3 from the DEA and other industry sources,</p> <p>4 Oxycodone was a high risk for potential</p> <p>5 diversion, so that particular product was</p> <p>6 scrutinized more closely than -- and</p> <p>7 higher concentrations are cause for</p> <p>8 concern without a reasonable explanation.</p> <p>9 Q. Why is it a concern if a</p> <p>10 pharmacy has got something 12 to</p> <p>11 15 percent or more of its total sales are</p> <p>12 Oxycodone, why is that a concern?</p> <p>13 MR. NICHOLAS: Object to the</p> <p>14 form.</p> <p>15 THE WITNESS: It's a concern</p> <p>16 because, again, Oxycodone is at</p> <p>17 high risk for potential diversion.</p> <p>18 And a customer dispensing larger</p> <p>19 quantities is cause to ask further</p> <p>20 questions as to why they are</p> <p>21 following -- you know, following</p> <p>22 that particular business model.</p> <p>23 There may be explanations.</p> <p>24 There may not.</p>	<p style="text-align: right;">Page 64</p> <p>1 would prescribe.</p> <p>2 Q. Do you recall any reasons</p> <p>3 provided by pharmacies for having this</p> <p>4 kind of ratio that you felt were</p> <p>5 illegitimate?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: I can't recall</p> <p>9 any specifics of that, no.</p> <p>10 BY MR. PIFKO:</p> <p>11 Q. Sitting here today, I asked</p> <p>12 you if you recall a question or a</p> <p>13 response from a pharmacist. But just</p> <p>14 sitting here today, can you give an</p> <p>15 example of a reason that would be</p> <p>16 illegitimate to have a ratio like this?</p> <p>17 MR. NICHOLAS: Objection.</p> <p>18 Object to the form.</p> <p>19 A reason provided by a</p> <p>20 pharmacist? Is that what you</p> <p>21 mean?</p> <p>22 BY MR. PIFKO:</p> <p>23 Q. I'm asking any reason that</p> <p>24 you can think of.</p>
<p style="text-align: right;">Page 63</p> <p>1 BY MR. PIFKO:</p> <p>2 Q. Did you ever talk with any</p> <p>3 representatives of pharmacies about their</p> <p>4 selling quantities of Oxycodone that were</p> <p>5 12 to 15 percent or greater than -- of</p> <p>6 their total sales?</p> <p>7 A. Through the years I'm sure I</p> <p>8 have talked to any number of pharmacists</p> <p>9 in similar circumstances. I don't recall</p> <p>10 any specifics.</p> <p>11 Q. Do you recall any reasons</p> <p>12 that any pharmacy might have provided to</p> <p>13 you for having that ratio of Oxycodone</p> <p>14 to -- as compared to their total number</p> <p>15 of prescriptions?</p> <p>16 A. Yes.</p> <p>17 Q. Can you provide some of the</p> <p>18 reasons you recall?</p> <p>19 A. Well, the -- probably the</p> <p>20 primary reason is they are servicing a</p> <p>21 demographic usually classified as pain</p> <p>22 management that -- I'm not a doctor, but</p> <p>23 I -- I'm assuming the Oxycodone is</p> <p>24 generally a regimen that pain doctors</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. NICHOLAS: I'll object</p> <p>2 to the form.</p> <p>3 THE WITNESS: Okay. I got</p> <p>4 turned around in the back and</p> <p>5 forth, so, can you repeat the</p> <p>6 question?</p> <p>7 BY MR. PIFKO:</p> <p>8 Q. Yeah. I'm just asking --</p> <p>9 forget about any conversations with</p> <p>10 pharmacists. Can you -- as someone who</p> <p>11 is in charge of the diversion control</p> <p>12 function at Amerisource and who served as</p> <p>13 an investigator, can you think of an</p> <p>14 illegitimate reason why a pharmacy would</p> <p>15 be having a higher quantity of Oxycodone</p> <p>16 as part of their percentage of their</p> <p>17 total sales?</p> <p>18 MR. NICHOLAS: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: Well, the --</p> <p>21 the illegitimate reasons may very</p> <p>22 well be the same as the legitimate</p> <p>23 reasons.</p> <p>24 If -- if a customer tells us</p>

<p style="text-align: right;">Page 66</p> <p>1 they're -- or has told us that</p> <p>2 they were servicing a physician</p> <p>3 who works in a pain management</p> <p>4 clinic, then that may be cause for</p> <p>5 the person responsible for vetting</p> <p>6 the physicians or policing the</p> <p>7 physicians to look closer as to</p> <p>8 whether or not the pharmacist is</p> <p>9 doing all they can to vet the</p> <p>10 doctors and prescriptions that are</p> <p>11 prompting the increase levels of</p> <p>12 Oxycodone.</p> <p>13 BY MR. PIFKO:</p> <p>14 Q. So when you say that someone</p> <p>15 who is in charge of vetting the</p> <p>16 physicians, who would that be?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I would say</p> <p>20 the responsibility for that lies</p> <p>21 with the pharmacist.</p> <p>22 BY MR. PIFKO:</p> <p>23 Q. At any time during your</p> <p>24 tenure at AmerisourceBergen, did the</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. And when they</p> <p>2 provided that information, how would they</p> <p>3 provide that?</p> <p>4 A. How would they provide it?</p> <p>5 Q. Yeah.</p> <p>6 A. Through the due diligence</p> <p>7 process, there were forms that were used</p> <p>8 by -- by the distribution centers and the</p> <p>9 sales associates to gather the</p> <p>10 information.</p> <p>11 Q. And upon receiving that</p> <p>12 information, was it the company's</p> <p>13 practice to always conduct this review of</p> <p>14 publicly available information of the top</p> <p>15 prescribers at every customer?</p> <p>16 A. There was a point in time</p> <p>17 when -- when that information became</p> <p>18 standard on the form that we used to</p> <p>19 onboard customers. But I couldn't tell</p> <p>20 you when that particular time was.</p> <p>21 Q. Well, after that information</p> <p>22 started to be provided on the form, did</p> <p>23 you always then take that information and</p> <p>24 perform a review of publicly available</p>
<p style="text-align: right;">Page 67</p> <p>1 company ever examine the legitimacy of</p> <p>2 physicians as part of its diversion</p> <p>3 control functions?</p> <p>4 MR. NICHOLAS: Object to the</p> <p>5 form.</p> <p>6 THE WITNESS: We would</p> <p>7 request information from customers</p> <p>8 concerning their top prescribing</p> <p>9 physicians and check available</p> <p>10 public records. But beyond that,</p> <p>11 no.</p> <p>12 BY MR. PIFKO:</p> <p>13 Q. When you say check available</p> <p>14 public records, what do you mean by that?</p> <p>15 A. Checking with the authority</p> <p>16 that polices physicians in a particular</p> <p>17 state to see if there's been any public</p> <p>18 records of discipline or sanctions</p> <p>19 against the medical license.</p> <p>20 Q. Was that a standard practice</p> <p>21 to do that with every customer?</p> <p>22 A. It was part of the</p> <p>23 onboarding process for new customers, to</p> <p>24 provide that information.</p>	<p style="text-align: right;">Page 69</p> <p>1 information on those top prescribers?</p> <p>2 A. Yes.</p> <p>3 Q. Did you document the review</p> <p>4 anywhere in your files?</p> <p>5 A. It was part of the due</p> <p>6 diligence file, yeah.</p> <p>7 Q. So any research that you</p> <p>8 would have conducted on the top</p> <p>9 prescribers of any customer would be</p> <p>10 maintained in the due diligence file for</p> <p>11 that customer?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. Let's go back to Exhibit 2.</p> <p>17 We've got the slide that I was going to</p> <p>18 ask you about up in front of you.</p> <p>19 Another red flag of diversion is</p> <p>20 dispensing a high percentage of oxycodone</p> <p>21 30-milligram prescriptions versus all</p> <p>22 other oxycodone strengths being</p> <p>23 dispensed.</p> <p>24 Do you see that?</p>

<p style="text-align: right;">Page 70</p> <p>1 You just had it, right</p> <p>2 there, with your left hand. Keep going.</p> <p>3 A. Gotcha.</p> <p>4 Q. One more. There you go.</p> <p>5 A. Yes, I see it.</p> <p>6 Q. Okay. Why is that a red</p> <p>7 flag of diversion.</p> <p>8 A. For reasons that are unclear</p> <p>9 to me, that particular strength of</p> <p>10 oxycodone seemed to be considered to be</p> <p>11 more highly abused than other -- other</p> <p>12 strengths of the same product.</p> <p>13 Q. What was the basis for that</p> <p>14 knowledge?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form.</p> <p>17 THE WITNESS: Information</p> <p>18 received from the DEA as well as</p> <p>19 trade organizations in the</p> <p>20 industry.</p> <p>21 BY MR. PIFKO:</p> <p>22 Q. And why would it be a</p> <p>23 concern if a pharmacy was dispensing more</p> <p>24 of this than other types of oxycodone?</p>	<p style="text-align: right;">Page 72</p> <p>1 who specifically I heard it from. But it</p> <p>2 was generally discussed information in</p> <p>3 the industry.</p> <p>4 Q. When do you believe was the</p> <p>5 first time you heard that?</p> <p>6 A. My best recollection would</p> <p>7 have probably been when I took -- became</p> <p>8 manager of the diversion control team.</p> <p>9 Q. When was that?</p> <p>10 A. 2008.</p> <p>11 Q. So looking at this slide --</p> <p>12 I know we're going out of order, but it</p> <p>13 was relevant to the area that we were</p> <p>14 discussing. Why is dispensing</p> <p>15 prescriptions to patients or from</p> <p>16 physicians not from the local area a red</p> <p>17 flag?</p> <p>18 A. Well, it suggests that they</p> <p>19 can't get the prescriptions they want</p> <p>20 locally, so they branch out, would be my</p> <p>21 best guess.</p> <p>22 Q. Right. That the idea that</p> <p>23 someone who has a legitimate medical need</p> <p>24 for a prescription probably wouldn't be</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Well, knowing that it's more</p> <p>2 prone to abuse, that would become a</p> <p>3 concern for -- for us.</p> <p>4 Q. You see on your copy and on</p> <p>5 the screen, these pills are blue.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Have you ever heard of</p> <p>9 something called the Blue Highway?</p> <p>10 A. I've not heard that term.</p> <p>11 Q. Okay. Have you heard of the</p> <p>12 idea that -- let's look at one of the</p> <p>13 other slides here.</p> <p>14 Go a few pages down.</p> <p>15 There's a page with a bunch of license</p> <p>16 plates, going towards -- yeah.</p> <p>17 Have you heard of the idea</p> <p>18 that people would travel to places like</p> <p>19 Florida and bring pills back into other</p> <p>20 areas like West Virginia and Ohio, among</p> <p>21 other states?</p> <p>22 A. I've heard of that.</p> <p>23 Q. Where did you hear that?</p> <p>24 A. I can't -- I couldn't say</p>	<p style="text-align: right;">Page 73</p> <p>1 driving out of the area to get their</p> <p>2 prescription, correct?</p> <p>3 A. I would agree with that.</p> <p>4 Q. Let's go back to, a few</p> <p>5 pages earlier, this page with the money</p> <p>6 and the pills on it. The other way. The</p> <p>7 other way, towards the beginning.</p> <p>8 So you see another red flag</p> <p>9 is accepting an unusually large</p> <p>10 percentage of cash transactions for</p> <p>11 prescriptions.</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Why is that a red flag of</p> <p>15 diversion?</p> <p>16 A. Cash payments were generally</p> <p>17 looked at as being subject to trying to</p> <p>18 determine more information on those</p> <p>19 transactions because of not being able to</p> <p>20 track that information as you would</p> <p>21 that's being paid by a third-party payor.</p> <p>22 Q. Is it also the idea that</p> <p>23 again a legitimate prescription, not</p> <p>24 always but most likely, would have some</p>



<p style="text-align: right;">Page 74</p> <p>1 sort of insurance coverage associated 2 with it?</p> <p>3 MR. NICHOLAS: Object to the 4 form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. PIFKO:</p> <p>7 Q. The next slide says, "Cash 8 transactions average 8 percent or less of 9 all transactions according to the DEA." 10 Do you see that?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Do you agree with that 13 statement?</p> <p>14 MR. NICHOLAS: Object to the 15 form.</p> <p>16 THE WITNESS: I have -- no, 17 I have no knowledge of the 8 18 percent reference in that slide. 19 I don't know that I'm 20 qualified to speak to that 21 question.</p> <p>22 BY MR. PIFKO:</p> <p>23 Q. Okay. This was something 24 that you put together. Do you think that</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me what that 3 is?</p> <p>4 A. Well, from our perspective, 5 it's the historical data of purchasing by 6 a particular customer from 7 AmerisourceBergen.</p> <p>8 Q. Is that something that you 9 request from the customer?</p> <p>10 A. No, that's information that 11 we would -- we would source from our own 12 internal systems.</p> <p>13 Q. Do you recall ever 14 requesting from a customer their purchase 15 history from any other distributors in 16 addition to yourself?</p> <p>17 A. I don't recall ever having 18 done that.</p> <p>19 Q. Do you recall ever attending 20 presentations put on by manufacturers 21 where they told you some of the highest 22 purchasers of their products from all 23 distributors, which included customers 24 that were yours?</p>
<p style="text-align: right;">Page 75</p> <p>1 you researched this and found that 2 somewhere to put that on the slide?</p> <p>3 A. Yes.</p> <p>4 Q. So it was probably accurate 5 at the time that you put it on the slide?</p> <p>6 A. Yes.</p> <p>7 Q. Next page. "Purchasing 8 controlled substances from multiple 9 wholesalers." And then it's got images 10 of the different distribution companies, 11 right there.</p> <p>12 Why is that a red flag of 13 diversion?</p> <p>14 A. Well, as a wholesale 15 distributor, we don't have visibility to 16 other -- other companies that are 17 servicing a particular customer. So 18 potentially a customer can order from 19 multiple wholesale distributors and fly 20 under the radar in terms of order 21 monitoring programs or just due diligence 22 in general.</p> <p>23 Q. Have you ever heard of a 24 utilization report or a usage report?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I have spoken with 2 representatives of manufacturers, not in 3 the -- not in the -- not in a scene of 4 multiple representatives speaking about 5 that publicly. But I've had 6 conversations with manufacturers 7 concerning customers that they had 8 concerns with because -- and were 9 speaking to me because we service that 10 particular customer.</p> <p>11 Q. Do you recall attending a 12 presentation by Actavis where they gave 13 you a list of some of the highest 14 purchasers of certain opioid products, 15 and the discussion included customers 16 that purchased from you and other 17 distributors?</p> <p>18 A. No.</p> <p>19 MR. CIULLO: Object to form. 20 Zach Ciullo.</p> <p>21 THE WITNESS: I don't recall 22 ever attending such a session.</p> <p>23 BY MR. PIFKO:</p> <p>24 Q. Let's go to this slide here.</p>



<p style="text-align: right;">Page 78</p> <p>1 You're there. It says, "Dispensing 2 controlled substance cocktails consisting 3 of multiple prescriptions for oxycodone, 4 Xanax and Soma for a single patient." 5 Do you see that? 6 A. Yes, I do. 7 Q. Why is that a red flag of 8 diversion? 9 A. Okay. Not being a 10 pharmacist or a doctor, it's my lay 11 understanding that cocktails similar to 12 what are described in this slide may not 13 conform to the medical -- a legitimate 14 medical purpose. 15 Q. So if a doctor is writing 16 prescriptions for this combination of 17 products or a pharmacy is filling 18 prescriptions for this combination of 19 products, it's your understanding that 20 that's not a legitimate medical use? 21 A. No, I wouldn't go that far. 22 It's cause for concern. But again, I'm 23 not a pharmacist or a doctor. 24 Q. Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 Trinity"? 2 A. I have. 3 Q. What is that? 4 A. A combination of an opioid, 5 a benzodiazepine, and a muscle relaxant 6 prescribed together to one patient. 7 Q. Is that something of 8 potential concern? 9 A. It is of potential concern, 10 yes. 11 Q. And why is that? 12 A. For the same reasons that 13 the other cocktails were a concern. 14 Again, not being a pharmacist or a 15 physician, my understanding is, 16 prescribed in those -- in that 17 combination is potentially a dangerous 18 situation for a patient taking those 19 particular drugs. 20 Q. Is that a situation that -- 21 is potentially someone doing that as 22 abusing the drugs? 23 MR. NICHOLAS: Object to the 24 form.</p>
<p style="text-align: right;">Page 79</p> <p>1 A. But I do know that there's 2 cause for concern when prescribing those 3 combinations. 4 Q. You'd be concerned that it's 5 not a legitimate medical use? 6 A. Well, again it's difficult 7 for us to even have that information. 8 The -- the dispensing data from a 9 particular pharmacy is -- is, you know, 10 is not a routine piece of information 11 that a wholesale distributor would have. 12 Q. Understood. But again, 13 just -- I'm just clarifying for the 14 record, that the concern though is that 15 this type of combination, whether you 16 know it to be true or not, there's a 17 concern that it's not a legitimate 18 medical use, is that correct? 19 MR. NICHOLAS: Object to the 20 form. 21 THE WITNESS: That's part of 22 the concerns, yes. 23 BY MR. PIFKO: 24 Q. Have you heard of "The Holy</p>	<p style="text-align: right;">Page 81</p> <p>1 THE WITNESS: I don't know 2 that I can say abusing the drugs. 3 If the prescription is written by 4 a licensed medical doctor, I think 5 it's incumbent on the pharmacist 6 to identify and ask the proper 7 questions concerning the use of 8 that combination. 9 MR. NICHOLAS: Mark, if 10 we're close to the end of this 11 document, we can complete it. 12 Otherwise if you're going to be a 13 while we'd like to take a break. 14 MR. PIFKO: No, I think 15 I'm -- I'm close to the end of it. 16 We'll finish it and then we'll 17 take a break. 18 BY MR. PIFKO: 19 Q. Turn to this page. It says, 20 "Abused Pharmaceuticals Substances." 21 It's towards the end there? 22 A. Yes. 23 Q. Can you tell me what this -- 24 what this is and why this is included in</p>

<p style="text-align: right;">Page 82</p> <p>1 here?</p> <p>2 A. Well, as it says on the</p> <p>3 document itself, it's a handout from the</p> <p>4 NADDI organization that I referenced</p> <p>5 earlier. And I included it for the</p> <p>6 obvious reasons that it lists potentially</p> <p>7 high risk controlled substances.</p> <p>8 Q. Let's go to the next, the</p> <p>9 next slide here. It says, "What is a</p> <p>10 suspicious order?"</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Can you tell me in your own</p> <p>14 words what a suspicious order is?</p> <p>15 A. An order of unusual</p> <p>16 quantity, an order that is ordered more</p> <p>17 frequently as compared to their</p> <p>18 historical ordering, and one that</p> <p>19 deviates from a particular pattern.</p> <p>20 Q. If something is identified</p> <p>21 as a suspicious -- well, first of all,</p> <p>22 does -- do you understand that as a</p> <p>23 registrant under the Controlled</p> <p>24 Substances Act, AmerisourceBergen has a</p>	<p style="text-align: right;">Page 84</p> <p>1 THE WITNESS: I know what --</p> <p>2 MR. NICHOLAS: Go ahead.</p> <p>3 THE WITNESS: I know what we</p> <p>4 do, which is not ship it.</p> <p>5 MR. PIFKO: We can take a</p> <p>6 break.</p> <p>7 MR. NICHOLAS: Thank you.</p> <p>8 THE VIDEOGRAPHER: Going off</p> <p>9 record. The time is 10:54.</p> <p>10 (Short break.)</p> <p>11 THE VIDEOGRAPHER: We're</p> <p>12 going back on the record.</p> <p>13 Beginning Media File Number 2.</p> <p>14 The time is 11:20.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. I want to ask you about a</p> <p>17 comment that you made a little bit before</p> <p>18 we took a break.</p> <p>19 I was asking you about</p> <p>20 suspicious orders and you said -- you</p> <p>21 said -- I'm quoting, "I personally never</p> <p>22 saw a correlation between suspicious</p> <p>23 orders and potential diversion."</p> <p>24 Do you recall saying that?</p>
<p style="text-align: right;">Page 83</p> <p>1 duty to identify suspicious orders?</p> <p>2 A. Yes.</p> <p>3 Q. And do you have an</p> <p>4 understanding as to why they have that</p> <p>5 duty?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: It's mandated</p> <p>9 in the statute.</p> <p>10 BY MR. PIFKO:</p> <p>11 Q. Okay. Do you have an</p> <p>12 understanding as to why the statute</p> <p>13 requires you to do that?</p> <p>14 MR. NICHOLAS: Object to the</p> <p>15 form.</p> <p>16 THE WITNESS: My</p> <p>17 understanding is it's to identify</p> <p>18 potential diversion.</p> <p>19 BY MR. PIFKO:</p> <p>20 Q. And if you identify</p> <p>21 something as a suspicious order, what are</p> <p>22 you supposed to do?</p> <p>23 MR. NICHOLAS: Object to the</p> <p>24 form.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So is it your view</p> <p>3 that there's no correlation between</p> <p>4 suspicious orders and diversion?</p> <p>5 MR. NICHOLAS: I'll object</p> <p>6 to the form.</p> <p>7 THE WITNESS: No. My</p> <p>8 opinion is that there was -- not</p> <p>9 in all cases. But it's not a</p> <p>10 given that a suspicious order is</p> <p>11 going to be potentially diverted</p> <p>12 in some manner.</p> <p>13 BY MR. PIFKO:</p> <p>14 Q. Right. But you said, "I</p> <p>15 never saw a correlation between</p> <p>16 suspicious orders and diversion."</p> <p>17 So what did you mean by</p> <p>18 that?</p> <p>19 MR. NICHOLAS: Objection.</p> <p>20 Bickering.</p> <p>21 THE WITNESS: I meant what I</p> <p>22 just explained, that it's not a</p> <p>23 given that a suspicious order is a</p> <p>24 product that's necessarily going</p>

<p style="text-align: right;">Page 86</p> <p>1 to be subject to potential 2 diversion. 3 BY MR. PIFKO: 4 Q. Do you think that 5 identifying, reporting and stopping the 6 shipments of suspicious orders helps 7 prevent diversion? 8 MR. NICHOLAS: Object to the 9 form. It's a fact deposition. 10 You're just asking him about 11 nonfactual things now, about his 12 opinion on things. 13 THE WITNESS: So what's the 14 question? I'm sorry. 15 BY MR. PIFKO: 16 Q. Do you think that 17 identifying, reporting, and stopping the 18 shipments of suspicious orders helps 19 prevent diversion? 20 MR. NICHOLAS: Exact same 21 objection. 22 Go ahead. 23 THE WITNESS: I think that 24 that question is better suited for</p>	<p style="text-align: right;">Page 88</p> <p>1 instances where it could assist in 2 identifying diversion. I stand by 3 my contention that I -- throughout 4 my career I've not necessarily 5 seen suspicious orders -- I've not 6 been presented with information 7 that would suggest that those 8 suspicious orders were subject -- 9 I'm sorry, I lost my train of 10 thought. 11 I stand by my statement that 12 I've not seen a correlation 13 between suspicious orders and 14 potential diversion. 15 BY MR. PIFKO: 16 Q. Other than having a 17 suspicious order monitoring program, and 18 security measures within its warehouses, 19 does AmerisourceBergen implement any 20 other procedures or programs to prevent 21 diversion? 22 MR. NICHOLAS: Object to the 23 form of the question. 24 THE WITNESS: No, beyond</p>
<p style="text-align: right;">Page 87</p> <p>1 the DEA to answer, who required 2 the identifying and reporting of 3 suspicious orders. 4 The shipping of orders is 5 the company's decision and policy 6 not to do so. And that's my 7 answer. 8 BY MR. PIFKO: 9 Q. Okay. Well, I'm not asking 10 for the DEA's answer. You're the one 11 who's being deposed here today. I'm 12 asking for your answer. So I would 13 appreciate if you would provide that to 14 me. I'll ask the question again so that 15 you know. 16 I'm asking if you think that 17 identifying, reporting, and stopping the 18 shipments of suspicious orders helps 19 prevent diversion? 20 MR. NICHOLAS: Objection to 21 the form of the question. And 22 he's just answered the question. 23 So it's asked and answered. 24 THE WITNESS: There may be</p>	<p style="text-align: right;">Page 89</p> <p>1 what is required by statute. We 2 comply with all of the statutes as 3 they concern developing and 4 operating a system to help 5 identify potential diversion. But 6 beyond what we currently utilize, 7 that's -- that's it. 8 BY MR. PIFKO: 9 Q. And what you currently 10 utilize is a suspicious order monitoring 11 program and certain security measures 12 within your facilities, is that correct? 13 MR. NICHOLAS: Object to the 14 form. 15 THE WITNESS: And a due 16 diligence program which is an 17 ongoing monitoring of customers. 18 BY MR. PIFKO: 19 Q. So that's yes and a due 20 diligence program, just to be clear? 21 A. I'm sorry? 22 Q. Your answer was yes and a 23 due diligence program? 24 A. Correct.</p>

<p style="text-align: right;">Page 90</p> <p>1 MR. NICHOLAS: Object to the 2 form. 3 BY MR. PIFKO: 4 Q. Is the due diligence program 5 separate and apart from the suspicious 6 order monitoring program? 7 A. Well, they are two different 8 functions, but I think they all mesh 9 together at some point to give us a good 10 capsule of the customer we're dealing 11 with. 12 (Document marked for 13 identification as Exhibit 14 ABDC-Hazewski-3.) 15 BY MR. PIFKO: 16 Q. I'm handing you what's been 17 marked as Exhibit 3. 18 It is a one-page document 19 Bates labeled ABDCMDL00268888. Take a 20 minute to review and let me know when 21 you're done. 22 MR. CIULLO: Can you repeat 23 those numbers, please? 24 MR. PIFKO: Yeah,</p>	<p style="text-align: right;">Page 92</p> <p>1 yours, but for other divisions of the 2 company? 3 MR. NICHOLAS: Object to the 4 form. 5 THE WITNESS: No. Paul's 6 role was above me in terms of -- 7 in terms of his scope of 8 authority. 9 BY MR. PIFKO: 10 Q. So he says here in response 11 to your presentation, "It's amazing how 12 few people recognize the red flags." Do 13 you see that? 14 A. I do. 15 Q. Do you agree with that 16 statement? 17 A. No. 18 Q. What makes you disagree with 19 it? 20 A. Well, just my -- my 21 experience in talking with other 22 associates is that people generally as 23 time went on gained a greater 24 appreciation for why we do the things we</p>
<p style="text-align: right;">Page 91</p> <p>1 ABDCMDL00268888. 2 THE WITNESS: I've reviewed. 3 BY MR. PIFKO: 4 Q. So this is an e-mail that 5 Paul Ross writes in response to your 6 attaching the presentation that we were 7 discussing which is Exhibit 2. Do you 8 see that? 9 A. Yes. 10 Q. Okay. And who is Paul Ross? 11 A. Paul Ross is a senior 12 director in the corporate security 13 regulatory affairs department for 14 AmerisourceBergen. 15 Q. What was his specific role, 16 what was his focus? 17 A. My understanding is Paul 18 specialized in the specialty companies 19 that are subsidiaries of 20 AmerisourceBergen. 21 Q. And what did he do for them? 22 A. Regulatory issues, review 23 compliance with existing statutes. 24 Q. Was his role similar to</p>	<p style="text-align: right;">Page 93</p> <p>1 do in corporate security and regulatory 2 affairs. 3 And some positive feedback 4 that I've gotten from the field in terms 5 of how helpful this particular 6 information has been and will continue to 7 be. 8 Q. Well, he says here, "I 9 certainly believe this will be a useful 10 thing." Do you think what he's saying is 11 people don't -- prior to them receiving 12 this training, he's saying people don't 13 recognize it, and he's saying this will 14 help them recognize it? 15 MR. NICHOLAS: Object to 16 form. 17 BY MR. PIFKO: 18 Q. Do you -- do you understand 19 him to be saying that? 20 MR. NICHOLAS: Object to the 21 form. 22 THE WITNESS: I can't get 23 inside Paul's head, so I really 24 couldn't say what he meant by a</p>

<p style="text-align: right;">Page 94</p> <p>1 particular statement.                  2 BY MR. PIFKO:                  3 Q. Do you recall at the time                  4 having a belief that you needed to have                  5 this training session because people                  6 weren't recognizing the red flags?                  7 A. No. I think the thought was                  8 that the training sessions are critical                  9 across the -- across the company. And as                  10 I've said previous, the -- you know, our                  11 opinion is that all of our associates                  12 play a role in -- in protecting the                  13 company assets and help -- helping to                  14 identify potential diversion.                  15 (Document marked for                  16 identification as Exhibit                  17 ABDC-Hazewski-4.)                  18 BY MR. PIFKO:                  19 Q. I'm handing you now what's                  20 been marked as Exhibit 4. It is a                  21 PowerPoint presentation from Actavis.                  22 It's Bates labeled Allergan_MDL_00381552,                  23 and the last page is 0381566.                  24 Take a minute to review that</p>	<p style="text-align: right;">Page 96</p> <p>1 going to -- we're going to discuss                  2 it with him.                  3 MR. NICHOLAS: Is that --                  4 no, no, without getting Allergan's                  5 permission.                  6 MR. PIFKO: Yeah, we went                  7 through this issue with the                  8 Cardinal document yesterday too.                  9 There's a provision in the                  10 protective order where he's                  11 permitted to see it because it was                  12 shown to him already.                  13 MR. CIULLO: That was a --                  14 that was a Cardinal document.                  15 This is an Allergan document.                  16 MR. PIFKO: It doesn't                  17 matter --                  18 MR. CIULLO: You have to                  19 reach out to Allergan to get                  20 permission to use it.                  21 MR. PIFKO: I don't need to                  22 get permission, okay? We're not                  23 doing this.                  24 BY MR. PIFKO:</p>
<p style="text-align: right;">Page 95</p> <p>1 and let me know when you're done.                  2 MR. CIULLO: This is Zach                  3 Ciullo. Have you received a -- is                  4 this marked confidential? I can                  5 pull it up really quickly.                  6 MR. PIFKO: It is. He is                  7 authorized under the protective                  8 order to review it.                  9 MR. CIULLO: Okay. Have you                  10 reached out to Allergan to get                  11 permission to use it?                  12 MR. PIFKO: No, I'm not                  13 required to do so.                  14 MR. CIULLO: And I'm sorry,                  15 can you repeat the Bates one more                  16 time?                  17 MR. PIFKO: Yes. 00381552                  18 through 381566.                  19 MR. NICHOLAS: I -- I'm                  20 going to just -- I'll confess, I                  21 really don't know whether he's --                  22 whether you're permitted to use                  23 the document.                  24 MR. PIFKO: Well, we're</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Sir, tell me when you're                  2 done reviewing the document.                  3 MR. NICHOLAS: You're --                  4 MR. CIULLO: I beg your                  5 pardon. I think you do need                  6 permission under the --                  7 MR. PIFKO: I don't, okay?                  8 You can object to it later, but I                  9 don't. Under 34 --                  10 MR. NICHOLAS: Mark, I think                  11 you said because he's seen it                  12 before. But what -- what -- how                  13 do we know he's seen it?                  14 MR. PIFKO: His name is on                  15 the document, it's his -- I'm                  16 trying not to taint the testimony.                  17 I'm going to ask him some                  18 questions about it.                  19 MR. CIULLO: All right.                  20 This is Zach Ciullo. Docket 441,                  21 paragraph 333M. "No confidential                  22 information of one defendant may                  23 be shown to any witness who is a                  24 current employee of another</p>



<p style="text-align: right;">Page 98</p> <p>1 defendant who is not otherwise 2 authorized to receive the 3 information under this order." 4 MR. PIFKO: He is otherwise 5 authorized because -- 6 MR. CIULLO: I can't see how 7 he is otherwise authorized to 8 receive the information under the 9 agreement. 10 MR. PIFKO: Because he -- he 11 previously reviewed or received 12 the information. 13 MR. NICHOLAS: You don't 14 know -- the issue is -- that I 15 have is, you don't know that -- 16 for example, there are other 17 people listed as attendees who did 18 not attend this thing. 19 So I don't know whether he's 20 seen this document. 21 MR. PIFKO: Okay. Well, 22 we're going to ask him, okay? 23 MR. NICHOLAS: You have to 24 start with that before you use the</p>	<p style="text-align: right;">Page 100</p> <p>1 meeting participants here? 2 A. Yes. 3 Q. Okay. And you are listed 4 among -- you are the first participant 5 listed there. Do you see that? 6 A. Yeah. 7 Q. Okay. And it's got Actavis 8 people here listed who participated in 9 this meeting. Nancy Baran, Michael 10 Clarke, and John Duff. 11 Do you see that? 12 A. Yeah. 13 MR. NICHOLAS: As you go 14 forward, I'm going to -- I'm just 15 going to interpose an objection. 16 I'm going to -- I have to do this 17 to make a record. 18 My objection is I don't 19 believe you can use this document 20 in the deposition, including 21 showing it to him and putting it 22 on the record until you establish 23 that he has seen the document or 24 had involvement. I mean, all he's</p>
<p style="text-align: right;">Page 99</p> <p>1 document. 2 MR. PIFKO: We're going to 3 ask him. 4 MR. NICHOLAS: I think you 5 have to do that before -- 6 MR. PIFKO: I need to -- no, 7 I need to -- 8 MR. CIULLO: You have to 9 first establish a foundation. 10 MR. PIFKO: I'm going to do 11 that right now. 12 BY MR. PIFKO: 13 Q. Please, sir, can you go to 14 page -- okay. See the first page. Do 15 you see a date here? 16 The title of this document 17 is Suspicious Order Monitoring, 18 Partnership Meeting, AmerisourceBergen, 19 Chesterbrook, Pennsylvania, October 22, 20 2012. 21 Do you see that? 22 A. Yes, I do. 23 Q. Okay. This is a meeting, a 24 partnership meeting. And you see it has</p>	<p style="text-align: right;">Page 101</p> <p>1 said so far is he -- 2 MR. PIFKO: I'm trying to 3 ask him questions. You are 4 interrupting my ability to do that 5 right now. 6 MR. NICHOLAS: You -- you 7 asked him about this before, and 8 he said he had no recollection. 9 MR. PIFKO: He doesn't 10 recall. It doesn't mean -- so -- 11 MR. NICHOLAS: All right. 12 Go ahead. I've interposed my 13 objection. Go ahead. 14 MR. PIFKO: This is -- 15 MR. CIULLO: I raise the 16 exact same objection. 17 MR. PIFKO: Okay. You -- 18 under the rules of the deposition, 19 one person can make the objection 20 for all defendants. So you don't 21 need to say the same objection 22 twice. 23 MR. CIULLO: Okay. Well, 24 this is an Allergan specific</p>



<p style="text-align: right;">Page 102</p> <p>1 document so I'm objecting on 2 behalf of Allergan. I represent 3 Allergan. 4 MR. PIFKO: Well, he made 5 the objection for you. All you're 6 doing is disrupting the 7 deposition. So if you have 8 something new to say, you're -- 9 I'm not going to stop you from 10 saying that. But if you're just 11 going to say, "I agree with what 12 he said," his objection stands for 13 you. It's in the documents. You 14 don't need to say that. 15 BY MR. PIFKO: 16 Q. Okay, sir. So I'm trying to 17 ask you questions, sir -- 18 MR. SHAPLAND: Excuse me. 19 This is a message to the court 20 reporter. We should have folks 21 who are on the phone who are 22 interposing objections identify 23 themselves, because I'm reading a 24 transcript here and the objections</p>	<p style="text-align: right;">Page 104</p> <p>1 thought you were going to first 2 ask -- you have to establish -- 3 MR. PIFKO: I'm -- I'm 4 working on that, Bob. You've got 5 to let me -- you've got to let me 6 do that. You've got to stop 7 interrupting me. 8 MR. NICHOLAS: Well, I'm 9 just -- 10 MR. CIULLO: Can you please 11 just ask if he attended this 12 presentation? 13 MR. PIFKO: I'm getting 14 there. You guys -- you can't ask 15 the questions for me, okay? Stop. 16 All of you. 17 MR. CIULLO: Then ask the 18 proper question. 19 MR. PIFKO: I'm going to 20 mute the phone if you're going to 21 do that, because you're 22 interrupting the deposition. 23 BY MR. PIFKO: 24 Q. Okay. Sir, I'm trying to</p>
<p style="text-align: right;">Page 103</p> <p>1 are not being attributed to 2 whoever is the party. 3 THE COURT REPORTER: Thank 4 you. 5 I'm trying not to interrupt 6 by asking everybody who they're 7 speaking -- who's speaking. I'm 8 trying to be less obtrusive. 9 BY MR. PIFKO: 10 Q. Okay. Sorry all the lawyer 11 mumbo-jumbo here. I'm just trying to ask 12 you some questions about this meeting. 13 So you see that this is a 14 meeting that was -- on the first page it 15 took place at AmerisourceBergen offices 16 in Chesterbrook on October 22, 2012. 17 Okay. 18 Then I had you look at the 19 third page, and it's got participants. 20 Okay. Do you see that? 21 A. Yes. 22 Q. Do -- do you know who Nancy 23 Baran is at Actavis? 24 MR. NICHOLAS: Hold on. I</p>	<p style="text-align: right;">Page 105</p> <p>1 ask -- 2 MR. CIULLO: You're not 3 going to mute the phone. 4 BY MR. PIFKO: 5 Q. -- do you know who -- do you 6 know who Nancy Baran is? 7 A. Other than what I'm reading 8 on here -- 9 MR. CIULLO: Objection. 10 BY MR. PIFKO: 11 Q. Do you know who Michael 12 Clarke is? 13 MR. NICHOLAS: Objection. 14 Same objection. 15 MR. CIULLO: Objection. 16 THE WITNESS: Other than 17 reading what's on the agenda. 18 BY MR. PIFKO: 19 Q. Do you know who John Duff 20 is? 21 MR. NICHOLAS: Same 22 objection. 23 MR. CIULLO: Objection. 24 THE WITNESS: Other than</p>

<p style="text-align: right;">Page 106</p> <p>1 reading what's on the agenda.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. Okay. And you said Steve</p> <p>4 Mays, was he your boss in 2012 or was</p> <p>5 he --</p> <p>6 MR. NICHOLAS: Same</p> <p>7 objection.</p> <p>8 MR. CIULLO: Objection.</p> <p>9 BY MR. PIFKO:</p> <p>10 Q. -- someone who's equal at</p> <p>11 your level at that time?</p> <p>12 A. I don't know that he was my</p> <p>13 boss, but he was above me in terms of the</p> <p>14 hierarchy of the department.</p> <p>15 Q. Okay. And so my question,</p> <p>16 having reviewed this meeting participant</p> <p>17 slide and seeing the first page, do you</p> <p>18 now recall attending this meeting at your</p> <p>19 offices where Actavis presented to you?</p> <p>20 A. I don't recall the meeting,</p> <p>21 no.</p> <p>22 Q. Do you dispute that the</p> <p>23 meeting occurred?</p> <p>24 MR. NICHOLAS: Object to the</p>	<p style="text-align: right;">Page 108</p> <p>1 and you are telling him things.</p> <p>2 MR. CIULLO: You're breaking</p> <p>3 the deposition protocol.</p> <p>4 MR. PIFKO: I'm not.</p> <p>5 MR. NICHOLAS: We can excuse</p> <p>6 him if you want to argue about it.</p> <p>7 MR. PIFKO: We don't need to</p> <p>8 argue. Your objection is clearly</p> <p>9 noted. Okay. And all you're</p> <p>10 doing is interrupting the</p> <p>11 witness -- interrupting the</p> <p>12 questioning, and you're biasing</p> <p>13 the witness's testimony because</p> <p>14 you're providing speaking</p> <p>15 objections and explaining things</p> <p>16 that, you know, are infecting what</p> <p>17 he's saying.</p> <p>18 MR. NICHOLAS: I disagree</p> <p>19 with that. We're just trying to</p> <p>20 figure out if he's ever seen the</p> <p>21 document or whether he went to the</p> <p>22 meeting. It sounds like the</p> <p>23 answer to both questions is no,</p> <p>24 but you should ask.</p>
<p style="text-align: right;">Page 107</p> <p>1 form.</p> <p>2 MR. CIULLO: Objection.</p> <p>3 THE WITNESS: I can only go</p> <p>4 on what's in front of me. So I</p> <p>5 assume the meeting went forward.</p> <p>6 BY MR. PIFKO:</p> <p>7 Q. Do you remember Actavis</p> <p>8 presenting certain information to you</p> <p>9 about customers of Amerisource and</p> <p>10 volumes of products?</p> <p>11 MR. NICHOLAS: Objection.</p> <p>12 MR. CIULLO: Objection.</p> <p>13 MR. NICHOLAS: I think the</p> <p>14 question needs to be asked, has he</p> <p>15 seen the document before, because</p> <p>16 you're trying to use the document.</p> <p>17 That's what -- that's what the</p> <p>18 rule says you have to do if you're</p> <p>19 going to get around --</p> <p>20 MR. PIFKO: It doesn't say</p> <p>21 that. It says the information.</p> <p>22 So you -- again, you guys are</p> <p>23 tainting the record, because</p> <p>24 you're -- he's sitting right here</p>	<p style="text-align: right;">Page 109</p> <p>1 MR. CIULLO: In which case,</p> <p>2 we need to stop using this</p> <p>3 document.</p> <p>4 MR. PIFKO: That's not what</p> <p>5 he said. That's not what he said.</p> <p>6 MR. CIULLO: It's a</p> <p>7 confidential document. It could</p> <p>8 have come from Allergan. You did</p> <p>9 not get permission from Allergan.</p> <p>10 BY MR. PIFKO:</p> <p>11 Q. You said, "I assume the</p> <p>12 meeting went forward." Do you recall</p> <p>13 saying that?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Okay. So you agree you had</p> <p>16 this meeting, correct?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 MR. CIULLO: Objection.</p> <p>20 MR. PIFKO: Stop. That's</p> <p>21 all you need to say. You guys,</p> <p>22 stop, seriously. You are</p> <p>23 infecting the testimony. I just</p> <p>24 read off the realtime. He said,</p>

<p style="text-align: right;">Page 110</p> <p>1 "I assume the meeting went 2 forward." I asked him, "Do you 3 agree?" He said, "Yes." 4 BY MR. PIFKO: 5 Q. Okay, sir. Thank you. 6 MR. NICHOLAS: Then you 7 asked another question. I 8 objected to that because that's an 9 unfair question. That what -- I 10 objected to the second question, 11 Mark, not the first. 12 BY MR. PIFKO: 13 Q. Okay. So you agree this 14 meeting went forward, correct? 15 MR. NICHOLAS: Objection. 16 Inappropriate question. 17 MR. CIULLO: Objection. 18 THE WITNESS: I believe I 19 said I assume it went forward. 20 BY MR. PIFKO: 21 Q. Okay. Do you recall having 22 this PowerPoint presentation provided to 23 you in connection with this meeting? 24 MR. CIULLO: Objection.</p>	<p style="text-align: right;">Page 112</p> <p>1 witness's testimony by guiding him 2 on what to say in response to this 3 question. And you can't unring 4 that bell. If we have a dispute 5 about that -- 6 MR. CIULLO: That's not true 7 at all. There's a protocol for 8 doing things and we have to follow 9 it. 10 MR. PIFKO: If we have a 11 dispute about this, you guys 12 screwed up the record. And now we 13 won't get a fair assessment of the 14 situation. You should have let me 15 to ask the questions that I needed 16 to ask. Anyway, let's move on. 17 MR. NICHOLAS: We'll 18 disagree with your 19 characterization for the record, 20 because I think it's inaccurate. 21 BY MR. PIFKO: 22 Q. Have you heard of the idea 23 of a threshold? 24 A. Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 Asked and answered. 2 THE WITNESS: I again have 3 no recollection of the meeting 4 itself. So I don't know if I've 5 seen this document before or not. 6 BY MR. PIFKO: 7 Q. Do you dispute that the 8 information provided in this document was 9 presented to you? 10 MR. NICHOLAS: Object to the 11 form of the question. 12 MR. CIULLO: Objection. 13 THE WITNESS: That would 14 have to assume that I was there. 15 And I just have no recollection of 16 the meeting. 17 BY MR. PIFKO: 18 Q. Okay. We'll put this 19 document aside for now. 20 MR. PIFKO: I'll note my 21 objection that I think defendants' 22 counsel on both the phone and 23 AmerisourceBergen's counsel here 24 have infected and biased the</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. What's a threshold? 2 A. A threshold is an internally 3 generated number that is going to trigger 4 further review of a customer's order. 5 Q. Did AmerisourceBergen use 6 thresholds as part of its order 7 monitoring program? 8 A. Yes. 9 Q. How did AmerisourceBergen 10 use thresholds in its order monitoring 11 program? 12 A. The -- I have to present it 13 in -- I can't present it in a couple 14 sentences. But all of the products that 15 we sell, all of the controlled substance 16 products that we sell to customers are 17 placed -- or at the time were in drug 18 families. 19 Thresholds were arrived by 20 way of -- thresholds were arrived through 21 analysis of the customer's purchasing 22 volume. 23 Averages were taken of the 24 amount of products and the dollars spent.</p>

<p style="text-align: right;">Page 114</p> <p>1 And those averages were then used to help 2 to establish the actual customer 3 threshold for a particular product. 4 Q. And if you exceeded the 5 threshold under AmerisourceBergen's order 6 monitoring program, then what happened? 7 A. The order would be flagged 8 for review. 9 Q. And whose job was it to 10 review the order? 11 A. There were several. The 12 review started at the distribution center 13 for low risk products. High risk 14 products were forwarded to the diversion 15 control team at the corporate 16 headquarters, and those personnel 17 reviewed the order. 18 Q. Was there training provided 19 to the distribution center associates as 20 to what they were supposed to look at 21 when they were evaluating an order that 22 exceeded the threshold? 23 A. Yes. 24 Q. And what was the nature of</p>	<p style="text-align: right;">Page 116</p> <p>1 frame when this occurred? Was this 2 always a function of the order monitoring 3 program during your tenure? 4 A. Yes, it was. 5 Q. And this operated the same 6 way as long as you were in the diversion 7 control functions? 8 A. There were changes to some 9 of the programs. We talked earlier about 10 SAP and systems of that sort. I believe 11 the SAP component was rolled out at some 12 point during my tenure. 13 Q. Okay. Other than that 14 change, were there any other changes that 15 you were aware of during your tenure? 16 MR. NICHOLAS: Object to the 17 form. 18 THE WITNESS: No. None that 19 I'm aware of. 20 BY MR. PIFKO: 21 Q. Were customers informed of 22 what their thresholds were? 23 A. It was not our policy to 24 tell customers their thresholds.</p>
<p style="text-align: right;">Page 115</p> <p>1 that training? 2 A. Somewhere within these 3 documents is a PowerPoint that I believe 4 was centered on the distribution center 5 personnel. 6 Q. And was that an ongoing 7 training session that you would provide, 8 or how was that provided? 9 A. My -- my recollection is 10 that it was mandated annually, and then 11 obviously for new personnel coming 12 into -- into the position. 13 Q. As far as the definition of 14 a high risk product, was that something 15 that was clearly defined in the training? 16 A. Clearly defined to the 17 extent that the products were named, yes. 18 Q. Okay. And so, if something 19 was a high risk product and it exceeded 20 the threshold, then it would go to the 21 CSRA for further review? 22 A. Correct. 23 Q. And when we are talking 24 about this procedure, what was the time</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. Do you know why it was your 2 policy not to tell your customers their 3 thresholds? 4 A. Well, it would give the 5 customer the opportunity to try to 6 manipulate the system to their advantage. 7 Q. And you would not want 8 customers to manipulate the system to 9 their advantage, correct? 10 A. Correct. 11 Q. So by keeping the thresholds 12 within the exclusive knowledge of 13 AmerisourceBergen, you could -- that was 14 one way that you would prevent customers 15 from manipulating the system, is that 16 correct? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: One way, yes. 20 BY MR. PIFKO: 21 Q. Do you know if the DEA told 22 AmerisourceBergen not to disclose 23 thresholds to its customers? 24 A. I -- I don't know that they</p>

<p style="text-align: right;">Page 118</p> <p>1 said that.</p> <p>2 Q. If I told you that Chris</p> <p>3 Zimmerman had said that, would you</p> <p>4 disagree that that was something that the</p> <p>5 DEA told the company?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form.</p> <p>8 THE WITNESS: I don't know</p> <p>9 the answer to that question.</p> <p>10 BY MR. PIFKO:</p> <p>11 Q. I'll show you a document. I</p> <p>12 was trying to streamline the process</p> <p>13 here. Give me a second.</p> <p>14 (Document marked for</p> <p>15 identification as Exhibit</p> <p>16 ABDC-Hazewski-5.)</p> <p>17 BY MR. PIFKO:</p> <p>18 Q. I'm handing you what's</p> <p>19 marked as Exhibit 5.</p> <p>20 Tell me when you're done.</p> <p>21 A. Okay.</p> <p>22 Q. For the record, Exhibit 5 is</p> <p>23 a couple page e-mail Bates labeled</p> <p>24 ABDCMDL00285348 through 85350.</p>	<p style="text-align: right;">Page 120</p> <p>1 are correct."</p> <p>2 He says, "One, it's not</p> <p>3 illegal to divulge threshold levels.</p> <p>4 Two, DEA has told us we should not</p> <p>5 divulge threshold levels."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you have any</p> <p>9 recollection that DEA told</p> <p>10 AmerisourceBergen not to divulge</p> <p>11 threshold levels?</p> <p>12 A. I had no discussions with</p> <p>13 them where they said anything of that</p> <p>14 sort.</p> <p>15 Q. Do you recall Mr. Zimmerman</p> <p>16 communicating this to you?</p> <p>17 A. Not specifically other than</p> <p>18 through this e-mail.</p> <p>19 Q. You agree that he did</p> <p>20 communicate it to you in this e-mail?</p> <p>21 A. I'm copied on the e-mail, so</p> <p>22 yes.</p> <p>23 Q. And then he says, "Three,</p> <p>24 ABC's policy is not to divulge</p>
<p style="text-align: right;">Page 119</p> <p>1 A. I'm done reviewing.</p> <p>2 Q. Okay. Do you recall the</p> <p>3 discussions reflected here in this</p> <p>4 e-mail?</p> <p>5 A. I recall some discussions</p> <p>6 about what it's alleged the other</p> <p>7 wholesale distributor was doing.</p> <p>8 Q. Okay. Well, let's look at</p> <p>9 the -- the first page here.</p> <p>10 MR. NICHOLAS: When you say</p> <p>11 the first page, do you mean from</p> <p>12 the back or the front -- you</p> <p>13 mean --</p> <p>14 MR. PIFKO: The front. The</p> <p>15 first page, the top of the --</p> <p>16 285348.</p> <p>17 BY MR. PIFKO:</p> <p>18 Q. Are you there?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. In the middle is an</p> <p>21 e-mail from Chris Zimmerman to Steve Mays</p> <p>22 and you are copied. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And he says, "All statements</p>	<p style="text-align: right;">Page 121</p> <p>1 thresholds." Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. He then says, "Since</p> <p>4 ABC's position can't get any worse." Do</p> <p>5 you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any</p> <p>8 understanding when he said this to you,</p> <p>9 what he meant by that?</p> <p>10 A. I have no idea.</p> <p>11 Q. Okay. He says, "My</p> <p>12 recommendation would be to send a formal</p> <p>13 letter to DEA outlining the issue and</p> <p>14 requesting a formal opinion."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any recollection</p> <p>18 about whether a formal letter was ever</p> <p>19 sent to the DEA about disclosing</p> <p>20 threshold levels?</p> <p>21 A. I do not.</p> <p>22 Q. Okay. It's your</p> <p>23 understanding that the policy at ABDC has</p> <p>24 always been not to divulge threshold</p>



<p style="text-align: right;">Page 122</p> <p>1 levels?</p> <p>2 A. Yes.</p> <p>3 Q. You are not aware of any</p> <p>4 change after this where they then said</p> <p>5 you could divulge threshold levels to</p> <p>6 customers?</p> <p>7 A. I am not aware of such a</p> <p>8 change.</p> <p>9 Q. If there was a change, given</p> <p>10 your role in the company, it's something</p> <p>11 you would have been aware of, correct?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form. Go ahead.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. Are you aware -- from time</p> <p>17 to time was it the company's practice to</p> <p>18 send formal letters to DEA asking for</p> <p>19 their position on -- on certain issues?</p> <p>20 A. I wasn't involved in</p> <p>21 composing letters of that kind. I -- I</p> <p>22 don't know if they communicated. I'm</p> <p>23 sure there's been questions asked but</p> <p>24 beyond that I couldn't say.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. I've reviewed.</p> <p>2 Q. Okay. Do you recall sending</p> <p>3 e-mails to Walgreens people?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. This is an e-mail</p> <p>6 dated April 8, 2014, from you to a whole</p> <p>7 host of people at Walgreens. Do you see</p> <p>8 that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And you say, "Team</p> <p>11 WAG, find attached some data that I</p> <p>12 believe could be the basis for part of</p> <p>13 our discussion. Briefly, the first tab</p> <p>14 is all Walgreens locations that had</p> <p>15 Schedule II controlled substance order</p> <p>16 lines flagged by the order monitoring</p> <p>17 program, sorted largest (most lines) to</p> <p>18 smallest. We can discuss further</p> <p>19 tomorrow."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Do you agree that you sent</p> <p>23 them the attached spreadsheet?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Okay. Are you aware, other</p> <p>2 than the discussion here about doing that</p> <p>3 in this context, are you aware of any</p> <p>4 discussion about doing that kind of thing</p> <p>5 in any other context?</p> <p>6 A. No.</p> <p>7 (Document marked for</p> <p>8 identification as Exhibit</p> <p>9 ABDC-Hazewski-6.)</p> <p>10 (Document marked for</p> <p>11 identification as Exhibit</p> <p>12 ABDC-Hazewski-7.)</p> <p>13 BY MR. PIFKO:</p> <p>14 Q. I'm going to hand you two</p> <p>15 exhibits, what's marked as Exhibit 6 and</p> <p>16 Exhibit 7.</p> <p>17 For the record, Exhibit 6 is</p> <p>18 a one-page e-mail Bates labeled</p> <p>19 ABDCMDL00282490.</p> <p>20 And Exhibit 7 is a document</p> <p>21 that was attached to that, was produced</p> <p>22 in native, Bates labeled ABDCMDL00282491.</p> <p>23 Take a minute to review</p> <p>24 those and let me know when you're done.</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. If you look at that</p> <p>2 spreadsheet, among, in addition to</p> <p>3 disclosing the information that you</p> <p>4 discuss in your e-mail. If you look, one</p> <p>5 of the columns is the threshold.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And then it lists the</p> <p>9 threshold for each location. Do you see</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. Is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. If it was against the</p> <p>15 company's policy and the DEA told you not</p> <p>16 to share thresholds, why were you sending</p> <p>17 them to Walgreens?</p> <p>18 A. Well, the information that</p> <p>19 was sent, and I believe the basis for</p> <p>20 this message, was a request received from</p> <p>21 Walgreens' pharmacy integrity unit, which</p> <p>22 that unit are the people who are listed</p> <p>23 on this e-mail.</p> <p>24 Their pharmacy integrity</p>



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1 group are their version of our diversion  
2 control team. So they monitored their  
3 internal customer orders. And we worked  
4 on a regular basis hand in hand with that  
5 group with the -- obviously, the goal  
6 jointly to help monitor the customer  
7 orders generated by their stores.

8 They had made a request at  
9 some point that orders submitted by their  
10 stores that breach a threshold just be  
11 canceled and not reviewed any further,  
12 that they would not like those orders to  
13 be filled.

14 So this -- I can't say this  
15 for certain. But I believe the sending  
16 of this information was in furtherance of  
17 their request and our joint efforts to  
18 work together to try to, you know,  
19 achieve our goals.

20 Q. Was it a regular occurrence  
21 for you to send data that included the  
22 thresholds and order monitoring program  
23 details to Walgreens?

24 A. A regular occurrence, no.

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1 Q. Did you do it on more than  
2 one occasion?

3 A. This is the only one I  
4 recall. I can't say for certain that  
5 there were other occasions.

6 Q. Do you agree that, looking  
7 back at Exhibit 7, it also states the  
8 overage percentage for each store for the  
9 item being listed?

10 A. Yes, I see that.

11 Q. And it provides the overage  
12 in dosage units as well, correct?

13 A. I'm having trouble reading  
14 that. But, yes, I see it.

15 Q. It's the column -- it's the  
16 second-to-last column.

17 A. Yeah, I see it now.

18 Q. And Walgreens was a customer  
19 of AmerisourceBergen's, correct?

20 A. Correct.

21 (Document marked for  
22 identification as Exhibit  
23 ABDC-Hazewski-8.)

24 BY MR. PIFKO:

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1 Q. I'm handing you what's  
2 marked as Exhibit 8. For the record,  
3 it's multiple page e-mail Bates-labeled  
4 ABDCMDL00280818 through 822. Take a  
5 minute to review that and let me know  
6 when you're done.

7 A. Are these one document?

8 Q. You should only have one  
9 copy. Maybe I inadvertently gave you  
10 counsel's copy.

11 A. I see.

12 MR. BREWER: I'm sorry.  
13 Could you please repeat the Bates  
14 number?

15 MR. PIFKO: ABDCMDL00280818  
16 through 280822.

17 MR. BREWER: Thank you.

18 THE WITNESS: I've reviewed.

19 BY MR. PIFKO:

20 Q. Okay. Do you recall the  
21 discussion reflected in these e-mails?

22 A. Some. It seems at the  
23 beginning of the e-mail thread, I wasn't  
24 copied, but at some point I was.

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1 So from there forward, yes.

2 Q. You are copied at the top of  
3 the e-mail, correct? On the -- on the  
4 first page, 818?

5 A. Yes.

6 Q. And therefore, you received  
7 all the information below, correct?

8 A. If that is how the e-mail  
9 system works, then yes.

10 Q. Okay. What's the Walgreens  
11 C2 playbook?

12 A. My understanding --

13 MR. BREWER: This is Matt  
14 Brewer. Objection.

15 THE WITNESS: My  
16 understanding is a -- a playbook  
17 is essentially a listing of tasks  
18 and the persons responsible for  
19 those tasks when onboarding a  
20 large customer similar to  
21 Walgreens.

22 BY MR. PIFKO:

23 Q. Among other things, we  
24 talked about the Form 590, correct?

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. That's something that you</p> <p>3 get for new customers, correct?</p> <p>4 A. Correct.</p> <p>5 Q. It was your policy to get</p> <p>6 that for new customers?</p> <p>7 A. It was.</p> <p>8 Q. As of 2007?</p> <p>9 A. I don't know at what point I</p> <p>10 became aware of what a 590 was. But I</p> <p>11 believe there was a similar form in use</p> <p>12 back then.</p> <p>13 Q. It is a long-standing</p> <p>14 policy?</p> <p>15 A. Yes.</p> <p>16 Q. If you go to Page 280820.</p> <p>17 It's those little numbers on the bottom</p> <p>18 right-hand corner. I'm asking you to go</p> <p>19 to 280820. Tell me when you're there.</p> <p>20 A. Yeah, I'm there.</p> <p>21 Q. Okay. There's an e-mail at</p> <p>22 the bottom from Steve Mays to Chris</p> <p>23 Zimmerman dated March 28, 2013. Do you</p> <p>24 see that?</p>	<p style="text-align: right;">Page 132</p> <p>1 can say form. You can say your</p> <p>2 foundational kind of objection.</p> <p>3 You don't really need to say that,</p> <p>4 but you can say that. But you</p> <p>5 cannot do what you're doing.</p> <p>6 MR. NICHOLAS: Well, I'll</p> <p>7 object to the form of the question</p> <p>8 for the reason that I stated.</p> <p>9 MR. PIFKO: Okay.</p> <p>10 Understood. Form objection is</p> <p>11 noted for all defendants. Thank</p> <p>12 you.</p> <p>13 THE WITNESS: So can you</p> <p>14 repeat your question?</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. Yeah, I know it's hard to</p> <p>17 answer a question when all these lawyers</p> <p>18 are speaking and explaining things and</p> <p>19 making arguments.</p> <p>20 MR. NICHOLAS: We just don't</p> <p>21 want things taken out of context.</p> <p>22 For the record, I know</p> <p>23 you're -- you're focused on</p> <p>24 getting a clean record. And so am</p>
<p style="text-align: right;">Page 131</p> <p>1 A. Yes.</p> <p>2 Q. Steve says: "I don't think</p> <p>3 we ever considered getting 590s for every</p> <p>4 account."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have an understanding</p> <p>8 about why he's saying despite the</p> <p>9 company's policy about 590, he doesn't</p> <p>10 want 590 --</p> <p>11 MR. BREWER: Objection.</p> <p>12 MR. PIFKO: I'm not even</p> <p>13 done with the question.</p> <p>14 BY MR. PIFKO:</p> <p>15 Q. He doesn't want 590s for</p> <p>16 every account?</p> <p>17 MR. NICHOLAS: I'll object</p> <p>18 to the form of the question.</p> <p>19 You're reading the first sentence</p> <p>20 of a much longer e-mail and I</p> <p>21 believe the question is not --</p> <p>22 MR. PIFKO: Okay. Again,</p> <p>23 that's a speaking objection --</p> <p>24 that's a speaking objection. You</p>	<p style="text-align: right;">Page 133</p> <p>1 I.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. I'm going to ask you the</p> <p>4 question again.</p> <p>5 You see the first sentence</p> <p>6 here. Steve says to Chris Zimmerman: "I</p> <p>7 don't think we ever considered getting</p> <p>8 590s for every account."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And so my question</p> <p>12 is, do you have an understanding as to</p> <p>13 why Steve is saying that to Chris despite</p> <p>14 the company's policies concerning</p> <p>15 obtaining 590s for new customers?</p> <p>16 MR. NICHOLAS: Object to the</p> <p>17 form of the question.</p> <p>18 MR. BREWER: I'll join.</p> <p>19 THE WITNESS: I don't know</p> <p>20 why Steve would -- was saying what</p> <p>21 he said.</p> <p>22 BY MR. PIFKO:</p> <p>23 Q. That seems inconsistent with</p> <p>24 the company's policy, correct?</p>

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1 MR. NICHOLAS: Object to the  
 2 form of the question.  
 3 THE WITNESS: My  
 4 recollection is that as it applied  
 5 to chain customers, that  
 6 historically 590s were not gotten  
 7 for every individual store listed  
 8 in the chain.  
 9 Usually the pertinent  
 10 information was applied to someone  
 11 who was responsible for overseeing  
 12 that customer's individual chain  
 13 locations, meaning within that  
 14 organization.  
 15 But -- so in the case of  
 16 Walgreens for example, there were,  
 17 I believe, 8,000 plus pharmacies.  
 18 So that perhaps is an  
 19 explanation for why Steve said  
 20 what he did.  
 21 BY MR. PIFKO:  
 22 Q. He says instead -- Steve  
 23 says instead he's going to have -- he  
 24 says, "I have Ed working on a one-page

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1 abbreviated 590."  
 2 Do you see that?  
 3 A. Yes.  
 4 Q. Do you recall working on  
 5 that?  
 6 A. I do not.  
 7 Q. Another thing he says here,  
 8 a little bit in the middle paragraph  
 9 here, "One thing we need immediately on  
 10 or before April 9th, is the de-identified  
 11 dispensing data for Oxycodone for the 225  
 12 initial stores."  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. If you go to the first page  
 16 of the e-mail, there's another comment  
 17 about where Steve is writing to you. And  
 18 he's again asking to ask Walgreens for  
 19 the de-identified dispensing data per  
 20 store.  
 21 Do you see that?  
 22 A. Yes.  
 23 Q. Do you know why he's asking  
 24 for that data?

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1 MR. NICHOLAS: I'll object  
 2 to the form of the question and  
 3 the jumping around in a -- in a  
 4 lengthy e-mail chain. And picking  
 5 out a sentence here and there.  
 6 Go ahead.  
 7 THE WITNESS: The question  
 8 is why he would ask for that data?  
 9 BY MR. PIFKO:  
 10 Q. Why did you need that data?  
 11 MR. NICHOLAS: Object to the  
 12 form.  
 13 THE WITNESS: As part of our  
 14 onboarding due diligence process,  
 15 we wanted to get an idea of what  
 16 type of volume particular  
 17 locations do as compared to other  
 18 Walgreens stores.  
 19 BY MR. PIFKO:  
 20 Q. Was it your general practice  
 21 to get dispensing data for Oxycodone from  
 22 any -- any new customer?  
 23 MR. NICHOLAS: Object to the  
 24 form.

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1 THE WITNESS: We would  
 2 not -- we would ask the question  
 3 as to what their usage was. We  
 4 wouldn't necessarily get  
 5 dispensing data unless we felt it  
 6 was necessary to clarify the  
 7 numbers they are giving us.  
 8 BY MR. PIFKO:  
 9 Q. Okay. So you would ask --  
 10 it was your general practice to ask for  
 11 it on occasion if you -- if you needed  
 12 clarity on dispensing practices from any  
 13 customer?  
 14 A. Correct.  
 15 Q. And why was it that you  
 16 needed it for Walgreens?  
 17 A. Why -- I'm sorry, can you  
 18 repeat?  
 19 Q. You needed -- you needed  
 20 clarity about data from Walgreens?  
 21 A. Yeah. Given the number of  
 22 locations, we wanted to make certain we  
 23 had a good grasp of who was doing what in  
 24 terms of volume.

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1 Q. And to your knowledge, was  
2 that data provided to you?  
3 A. To my knowledge, it was,  
4 yes.  
5 Q. Do you know how far back it  
6 went, what was the time period it  
7 covered?  
8 A. I do not know.  
9 Q. The next sentence here --  
10 we're on Page 280820 -- Steve is saying  
11 to Chris: "I'm trying to think of  
12 everything we can do to prevent having a  
13 bunch of orders reported to DEA and  
14 held."  
15 Do you see that?  
16 A. Yes.  
17 Q. Do you know why Steve is  
18 trying to implement practices at  
19 AmerisourceBergen to avoid reporting  
20 Walgreens orders to DEA and holding them?  
21 MR. NICHOLAS: Object to the  
22 form of the question.  
23 THE WITNESS: I don't know  
24 why he made that statement.

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1 BY MR. PIFKO:  
2 Q. Do you recall discussing  
3 with Steve or Chris upon receiving this  
4 e-mail the idea that you wanted to avoid  
5 reporting orders from Walgreens to DEA?  
6 MR. NICHOLAS: Object to the  
7 form of the question.  
8 MR. BREWER: I'll join.  
9 THE WITNESS: I don't recall  
10 any such conversation.  
11 BY MR. PIFKO:  
12 Q. Did you ever speak up upon  
13 receiving this e-mail and say, why, why  
14 are we going to try to avoid reporting  
15 orders to DEA for Walgreens?  
16 MR. NICHOLAS: Object to the  
17 form.  
18 MR. BREWER: I'll join.  
19 THE WITNESS: Not to my  
20 recollection.  
21 BY MR. PIFKO:  
22 Q. Do you think it's  
23 appropriate to implement policies to  
24 prevent having a bunch of orders reported

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1 to DEA for any customer?  
2 MR. NICHOLAS: Object to the  
3 form of the question.  
4 THE WITNESS: We only know  
5 the context of what's in the  
6 e-mail. I just don't know what  
7 discussions Chris and Steve may  
8 have had outside of my presence.  
9 I just can't answer that  
10 question.  
11 BY MR. PIFKO:  
12 Q. I'm not asking about that.  
13 That wasn't my question about this --  
14 that statement.  
15 I asked you if you think  
16 it's appropriate to implement policies to  
17 prevent having orders reported to DEA for  
18 any customer.  
19 MR. NICHOLAS: Object to the  
20 form of the question.  
21 THE WITNESS: It -- it's  
22 just simply not our policy to do  
23 anything that would divulge that  
24 kind of information or --

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1 certainly we have never undertaken  
2 any sort of action that would --  
3 that was geared towards preventing  
4 a customer from hitting the order  
5 monitoring program. It's simply  
6 not done.  
7 BY MR. PIFKO:  
8 Q. You see here the next  
9 sentence on that same page, 280820, it  
10 says: "The more data Walgreens can share  
11 with us the better off we will all be."  
12 A. Yes, I see that.  
13 Q. Do you have an understanding  
14 about what that's about?  
15 MR. NICHOLAS: Object to the  
16 form.  
17 MR. BREWER: I'll join.  
18 THE WITNESS: No, I can only  
19 suggest that it -- it's just --  
20 obviously onboarding any customer,  
21 we want to know as much about --  
22 in fact, we're mandated to know  
23 your customer through our due  
24 diligence program. And I see this

<p style="text-align: right;">Page 142</p> <p>1 as being part of that.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. When you talk about being</p> <p>4 mandated to know your customer, what are</p> <p>5 you supposed to know about your customer</p> <p>6 through that mandate?</p> <p>7 A. Everything there is to know</p> <p>8 about a pharmacy customer, including</p> <p>9 their business model, who they service,</p> <p>10 obviously their license numbers, their --</p> <p>11 every -- every facet of what you would</p> <p>12 expect to know from a business partner,</p> <p>13 you try to gather through that process.</p> <p>14 Q. You'd want to know about all</p> <p>15 the red flags of diversion that we</p> <p>16 discussed in your presentation, if those</p> <p>17 were potentially occurring at any</p> <p>18 customer, correct?</p> <p>19 MR. NICHOLAS: Object to the</p> <p>20 form.</p> <p>21 MR. BREWER: I'll join.</p> <p>22 THE WITNESS: If someone</p> <p>23 reported indications of diversion,</p> <p>24 we would treat that information</p>	<p style="text-align: right;">Page 144</p> <p>1 know how we would obtain that kind</p> <p>2 of information, but yeah.</p> <p>3 BY MR. PIFKO:</p> <p>4 Q. And through the</p> <p>5 know-your-customer mandate, that's the</p> <p>6 kind of information that you'd want to</p> <p>7 know through that process, correct?</p> <p>8 MR. NICHOLAS: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: I don't know</p> <p>11 the intention of that is to get</p> <p>12 that granular, that is at the</p> <p>13 point of onboarding, but it's</p> <p>14 important information, sure.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. You definitely want to know</p> <p>17 if that was occurring at a customer's</p> <p>18 location, if you could though, right?</p> <p>19 A. Yes.</p> <p>20 Q. And how about if they had</p> <p>21 unreported theft occurring at their</p> <p>22 pharmacy? Would you want to know about</p> <p>23 that?</p> <p>24 A. Yes. But I have to add that</p>
<p style="text-align: right;">Page 143</p> <p>1 regardless of who the customer is,</p> <p>2 the same we would for any</p> <p>3 customer.</p> <p>4 BY MR. PIFKO:</p> <p>5 Q. And you'd want to know, like</p> <p>6 we talked about, if there were people</p> <p>7 using drugs at the facility. Is that</p> <p>8 something that you'd want to know?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: Well, I would</p> <p>13 want to know it, yes. And I</p> <p>14 presume those responsible for</p> <p>15 monitoring such things would want</p> <p>16 to know it.</p> <p>17 BY MR. PIFKO:</p> <p>18 Q. How about if the pharmacy is</p> <p>19 selling pills to people who don't have</p> <p>20 valid prescriptions? Is that something</p> <p>21 that you'd want to know?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: Yes. I don't</p>	<p style="text-align: right;">Page 145</p> <p>1 everything that you're mentioning are</p> <p>2 kind of out of the purview of the</p> <p>3 wholesale distributor. There are other</p> <p>4 people in the closed system that are</p> <p>5 responsible for different areas. And I</p> <p>6 think this goes beyond what's required of</p> <p>7 a wholesale distributor.</p> <p>8 Q. Would you want to ask if</p> <p>9 those kinds of activities are occurring</p> <p>10 at your customers' locations as part of</p> <p>11 your due diligence?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form.</p> <p>14 THE WITNESS: If there is</p> <p>15 additional indications that would</p> <p>16 point in that direction, then the</p> <p>17 question would need to be asked.</p> <p>18 MR. NICHOLAS: Mark, is it a</p> <p>19 good time for a break?</p> <p>20 MR. PIFKO: Yeah, just one</p> <p>21 more quick thing.</p> <p>22 MR. NICHOLAS: We're at the</p> <p>23 lunch hour.</p> <p>24 (Document marked for</p>



<p style="text-align: right;">Page 146</p> <p>1 identification as Exhibit 2 ABDC-Hazewski-9.) 3 BY MR. PIFKO: 4 Q. Are you aware that Walgreens 5 paid an \$80 million fine for violating 6 the Controlled Substances Act? 7 MR. BREWER: Objection. 8 THE WITNESS: I'm aware 9 through media reports, yes. 10 BY MR. PIFKO: 11 Q. Is that something that you 12 discussed when you were doing business 13 with them? 14 MR. NICHOLAS: Object to the 15 form. 16 MR. BREWER: I'll join. 17 THE WITNESS: Those -- I'm 18 sure there were discussions of 19 that sort, but not at my level. 20 BY MR. PIFKO: 21 Q. I've handed you what's 22 marked as Exhibit 9. Do you see it's a 23 press release from the United States 24 Attorney's Office for the Southern</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. NICHOLAS: I'll object 2 to the form of the question. 3 MR. BREWER: Objection. 4 MR. NICHOLAS: He's never 5 seen the document, and he said 6 there were no discussions at his 7 level about these issues. 8 MR. PIFKO: Again, speaking 9 objections. 10 MR. NICHOLAS: Well, you 11 can't -- 12 MR. PIFKO: Form, 13 foundation. Form, foundation. 14 MR. NICHOLAS: You can't 15 just ask misleading questions. 16 Come on. I object. 17 MR. BREWER: I'll also 18 object to the form and foundation. 19 MR. NICHOLAS: Go ahead. 20 THE WITNESS: Again, can you 21 could you repeat? 22 BY MR. PIFKO: 23 Q. Well, let's just -- let's be 24 specific here. Let's go to Page 2.</p>
<p style="text-align: right;">Page 147</p> <p>1 District of Florida announcing Walgreens' 2 payment of an \$80 million fine for civil 3 penalties under the Controlled Substance 4 Act? 5 Do you see that? 6 A. Yes. 7 Q. It's dated June 11, 2013. 8 Do you see that? 9 A. Yes. 10 Q. And do you agree that this 11 announcement is after the e-mails in 12 March of 2013 that we were just 13 discussing in Exhibit 8. Agree? 14 A. Yes. 15 MR. BREWER: Do you have a 16 Bates number for this exhibit? 17 MR. PIFKO: No. It's just a 18 press release you can download it 19 from the United States Department 20 of Justice. 21 BY MR. PIFKO: 22 Q. Were you aware that the 23 activities discussed in Exhibit 9 were 24 occurring at Walgreens facilities?</p>	<p style="text-align: right;">Page 149</p> <p>1 First paragraph, part way through. 2 First, "The Jupiter distribution center 3 failed to comply with the DEA regulations 4 that required it to report to the DEA 5 suspicious prescription drug orders that 6 it received from Walgreens' retail 7 pharmacies." 8 Do you see that? 9 A. Yes. 10 Q. Were you aware that the 11 Jupiter distribution center failed to 12 comply with suspicious order 13 requirements? 14 MR. NICHOLAS: I'll object 15 to the form. The -- I've never 16 seen this document before, but you 17 can't ask a question that 18 misleading. It says "Walgreens' 19 alleged failure." You have to at 20 least be fair in asking -- 21 MR. PIFKO: It does not say 22 that. The Jupiter -- I read the 23 quote. "The Jupiter distribution 24 center failed to comply with DEA</p>

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<p>1 regulations that required it to 2 report to the DEA suspicious 3 prescription drug orders that it 4 received from Walgreens' retail 5 pharmacies." 6 MR. NICHOLAS: Can you read 7 the next -- 8 MR. PIFKO: I'm reading that 9 quote. 10 MR. NICHOLAS: Read the 11 first -- read the first four -- 12 MR. PIFKO: I'm reading that 13 quote. 14 MR. NICHOLAS: -- five words 15 of the next sentence. 16 MR. PIFKO: Stop. Stop. 17 Stop. Stop. Form, foundation. 18 That's all you are allowed to do 19 here. Okay. Stop. 20 MR. NICHOLAS: You just -- 21 MR. PIFKO: Stop. We're 22 going to -- I'm going to bring him 23 back. I'm going to bring all your 24 witnesses back. I'm going to</p>	<p>1 that. 2 MR. PIFKO: You're 3 apparently not able to comply with 4 the rules. And we need an 5 attorney who can. Okay. I'm 6 serious. I'm dead serious. 7 MR. NICHOLAS: You can't 8 tell me to stop defending him. 9 MR. PIFKO: Someone else at 10 Reed Smith can sit in here and do 11 it, because you apparently cannot 12 do it and comply with the law. 13 Okay. 14 MR. NICHOLAS: If you ask 15 questions that are 16 inappropriate -- 17 MR. PIFKO: You can say 18 form, foundation -- 19 MR. NICHOLAS: -- I will 20 continue to object. 21 MR. PIFKO: -- and you can 22 state your objections, but that's 23 all you can do. You cannot 24 provide speaking objections.</p>
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<p>1 bring Mr. Zimmerman and Mr. May 2 back too, because you coached them 3 the whole time. Okay. We're not 4 doing this. 5 MR. NICHOLAS: If you ask 6 questions -- 7 MR. PIFKO: You are -- you 8 are biasing the testimony. Stop. 9 MR. NICHOLAS: You're -- 10 MR. PIFKO: If you want to 11 redirect, you can direct examine 12 him when it's your turn. Right 13 now, all you can say is form and 14 foundation. And absent that, if 15 you can't do that, you need to 16 stop defending him because you are 17 violating both the local rules and 18 the requirements in this case. 19 So you need to tone it down. 20 And you need to stop this right 21 now. Okay. 22 MR. NICHOLAS: You really 23 can't tell me to stop defending 24 him. It's not your place to do</p>	<p>1 Okay. If you can't do that you're 2 not going to be allowed to 3 participate in this case. We're 4 going to put all your deposition 5 transcripts in front of the court, 6 and we're going to show what you 7 did. 8 MR. NICHOLAS: That would be 9 okay. 10 MR. PIFKO: Okay. 11 MR. NICHOLAS: That really 12 would -- 13 MR. PIFKO: Because you're 14 biasing the testimony. You've 15 been doing it all day today. And 16 you did it at the last two 17 depositions that you did. Okay. 18 MR. NICHOLAS: I don't think 19 I've been doing it all day -- 20 MR. PIFKO: Apparently 21 that's your practice, and I don't 22 appreciate it. 23 MR. NICHOLAS: -- or 24 previously, but I've made my</p>

<p style="text-align: right;">Page 154</p> <p>1 objection. I stand by my  2 objection. And now we can see if  3 he can answer the question.  4 MR. PIFKO: You're clearly  5 disrupting the --  6 MR. BREWER: I object to  7 form and foundation as well. I'm  8 Adam Brewer.  9 MR. PIFKO: Again, people on  10 the phone, you don't need to join  11 in the objection. The orders in  12 this case are very clear that one  13 objection by any counsel is  14 sufficient for all defendants.  15 Okay. All you're doing when you  16 do that is disrupting the  17 deposition. Clearly that's your  18 intent.  19 BY MR. PIFKO:  20 Q. Okay. I'm reading you  21 again, sir. I'm sorry that everybody is  22 disrupting this process here. But I'm  23 trying to ask you questions, and I'm  24 unable to do so without people trying to</p>	<p style="text-align: right;">Page 156</p> <p>1 THE WITNESS: In or around  2 the time this press release was  3 released, I became aware of it.  4 BY MR. PIFKO:  5 Q. How did you become aware of  6 it?  7 A. Through reading similar  8 press releases from various agencies.  9 Q. When you were onboarding  10 Walgreens as a customer, did you  11 undertake any effort to ensure that  12 Walgreens was complying with DEA  13 regulations?  14 MR. NICHOLAS: Object to the  15 form.  16 THE WITNESS: I don't know  17 at that time whether or not there  18 were suspensions of their  19 licenses. I just don't have  20 enough information to be able to  21 say.  22 BY MR. PIFKO:  23 Q. All I'm asking you is if you  24 attempted to obtain information that</p>
<p style="text-align: right;">Page 155</p> <p>1 tell you will what to say and  2 interrupting the flow of the questioning.  3 So I'm going to try again here.  4 Okay. We're on the second  5 page here.  6 It says: "First, the  7 Jupiter distribution center failed to  8 comply with DEA regulations that required  9 it to report to the DEA suspicious  10 prescription drug orders that it received  11 from Walgreens' retail pharmacies."  12 Do you see that?  13 A. Yes, I do.  14 MR. NICHOLAS: Object to the  15 form of the question and  16 suggestion that anyone is trying  17 to tell anyone what to say.  18 Go on.  19 BY MR. PIFKO:  20 Q. Were you aware that the  21 Jupiter distribution center failed to  22 comply with DEA regulations?  23 MR. NICHOLAS: Object to the  24 form and the foundation.</p>	<p style="text-align: right;">Page 157</p> <p>1 would allow you to know if Walgreens was  2 complying with DEA regulations.  3 MR. NICHOLAS: Object to the  4 form.  5 THE WITNESS: I have no  6 specific recollection of that.  7 BY MR. PIFKO:  8 Q. Let's go to the next  9 paragraph, next full paragraph. It says  10 "second" on there.  11 "Second, the six retail  12 pharmacies in Florida that received the  13 suspicious drug shipments from the  14 Jupiter distribution center in turn  15 filled customer prescriptions that they  16 knew or should have known were not for  17 legitimate medical use."  18 Do you see that?  19 A. Yes.  20 Q. Were you aware that  21 Walgreens was sending prescriptions to  22 pharmacies who were then filling  23 prescriptions that they knew were not for  24 legitimate medical use?</p>

<p style="text-align: right;">Page 158</p> <p>1 MR. NICHOLAS: Objection to</p> <p>2 the form and to the foundation of</p> <p>3 this question -- of this question</p> <p>4 and of this line of questions.</p> <p>5 Go ahead.</p> <p>6 THE WITNESS: At some point</p> <p>7 I became aware from reading the</p> <p>8 press releases concerning this</p> <p>9 matter.</p> <p>10 BY MR. PIFKO:</p> <p>11 Q. In onboarding Walgreens as a</p> <p>12 customer, did you make any effort to</p> <p>13 learn about whether they were -- its</p> <p>14 pharmacies were filling prescriptions</p> <p>15 that they knew or should have known were</p> <p>16 not for legitimate medical use?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form and foundation.</p> <p>19 THE WITNESS: I don't recall</p> <p>20 any specific conversations</p> <p>21 concerning that matter with</p> <p>22 Walgreens.</p> <p>23 BY MR. PIFKO:</p> <p>24 Q. Did you attempt to learn</p>	<p style="text-align: right;">Page 160</p> <p>1 BY MR. PIFKO:</p> <p>2 Q. Welcome back.</p> <p>3 A. Thank you.</p> <p>4 (Document marked for</p> <p>5 identification as Exhibit</p> <p>6 ABDC-Hazewski-10.)</p> <p>7 BY MR. PIFKO:</p> <p>8 Q. For the record, Exhibit</p> <p>9 Number 10 is Bates labeled</p> <p>10 ABDCCMDL00278509 through 00278513.</p> <p>11 It is a series of e-mails.</p> <p>12 Take a minute to review it and let me</p> <p>13 know when you're ready.</p> <p>14 A. I'm done reviewing.</p> <p>15 Q. Okay. If you go to the</p> <p>16 second to last page. 278512.</p> <p>17 Sorry to make you jump back</p> <p>18 and forth from pages, but the top of that</p> <p>19 e-mail is at the very, very bottom of the</p> <p>20 prior page, if you just fold it over.</p> <p>21 You see it's an e-mail from</p> <p>22 Chris Zimmerman sent Wednesday, March 27,</p> <p>23 2013, to Steve Mays. And then you go to</p> <p>24 Page 278512, and you see that you're</p>
<p style="text-align: right;">Page 159</p> <p>1 that information?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form and the foundation.</p> <p>4 THE WITNESS: Me personally,</p> <p>5 no.</p> <p>6 BY MR. PIFKO:</p> <p>7 Q. Do you know if anyone else</p> <p>8 did?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form --</p> <p>11 THE WITNESS: I don't know.</p> <p>12 MR. NICHOLAS: -- and the</p> <p>13 foundation.</p> <p>14 MR. PIFKO: All right.</p> <p>15 We'll take a break now.</p> <p>16 THE VIDEOGRAPHER: Going off</p> <p>17 record. The time is 12:38.</p> <p>18 - - -</p> <p>19 (Lunch break.)</p> <p>20 - - -</p> <p>21 THE VIDEOGRAPHER: We are</p> <p>22 going back on the record.</p> <p>23 Beginning of media file Number 3.</p> <p>24 The time is 1:19.</p>	<p style="text-align: right;">Page 161</p> <p>1 copied there. Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. Okay. The subject is C2</p> <p>4 hyper-accelerated Perrysburg. Do you see</p> <p>5 that?</p> <p>6 A. I do.</p> <p>7 Q. Okay. At the very bottom of</p> <p>8 this page it's an e-mail from John</p> <p>9 Trippe. Do you know who that is?</p> <p>10 A. I know John Trippe, yes.</p> <p>11 Q. Okay. Who is he?</p> <p>12 A. I -- I don't know his</p> <p>13 position. I just know him as an</p> <p>14 acquaintance.</p> <p>15 Q. Okay. You know him from</p> <p>16 working at the company or just know him</p> <p>17 from the community?</p> <p>18 A. From working at the company.</p> <p>19 Q. So he writes to -- a set of</p> <p>20 e-mails that's called The Walgreens</p> <p>21 General Distribution. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you know if you</p> <p>24 were among the people who would have</p>

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1 received the Walgreens general  
2 distribution?  
3 A. I don't believe I was.  
4 Q. Okay. Well, anyway he  
5 writes to that group. He says, "So what  
6 would you call the Schedule II controlled  
7 substances accelerated Walgreens  
8 Perrysburg plan? The C2  
9 hyper-accelerated Perrysburg plan. You  
10 got it. Walgreens called late yesterday  
11 afternoon and wants us to take on the  
12 attached list of 225 Walgreens accounts  
13 next week."  
14 Do you see that?  
15 A. Yes.  
16 Q. Were you aware that the  
17 company was rushing to take on these 225  
18 Walgreens accounts?  
19 MR. NICHOLAS: Object to the  
20 form of the question.  
21 THE WITNESS: I was not  
22 aware of this communication, no.  
23 BY MR. PIFKO:  
24 Q. Okay. Well, you are -- you

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1 are -- through being copied on the upper  
2 e-mail, you did receive this, correct?  
3 A. Yes.  
4 Q. Do you recall discussing the  
5 hyper-accelerated Perrysburg plan?  
6 A. I do not.  
7 Q. Go to the next e-mail up.  
8 Steve writes to Jim Jackson, and that's  
9 where he copies you as well. Well,  
10 actually I can't see who's copied on the  
11 next e-mail. But he's writing to -- it  
12 appears to be Jim Jackson, and he's  
13 copied on the above e-mail to you.  
14 He says, "Jim, can we  
15 discuss these accounts when you get an  
16 opportunity?"  
17 Do you know who Jim Jackson  
18 is?  
19 A. I know who he is, yes.  
20 Q. Who is he?  
21 A. He's -- I think he is a vice  
22 president. I honestly don't know  
23 specifically what he does, which is not a  
24 criticism. But I know who he is.

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1 Q. Okay. He's not in a CSRA  
2 function, is he?  
3 A. He is not.  
4 Q. Okay. So Steve says, "I'm  
5 concerned that these are the high risk  
6 accounts that Cardinal Health wants to  
7 dump ASAP, so I want to make sure that we  
8 have them sized properly and get the  
9 correct thresholds set."  
10 Do you see that?  
11 A. I do.  
12 Q. And then that's when Chris  
13 also chimes in and copies you.  
14 "We should also put the  
15 sales staff on alert in the area where  
16 these stores are in case we have to have  
17 them go in and do a 590."  
18 Do you see that?  
19 A. Chris wrote that?  
20 Q. Yeah, Chris Zimmerman.  
21 A. I'm sorry. Can you tell me  
22 what page?  
23 Q. It's the part, you're going  
24 to look at the bottom of 278511 and it

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1 continues on the next page.  
2 A. All right.  
3 MR. NICHOLAS: While you are  
4 doing this, this has nothing to  
5 do -- generally when you read from  
6 these -- these e-mails, and this  
7 is for the record, so that we have  
8 a nice clean record. You read,  
9 "I'm concerned that these are the  
10 high risk accounts that CAH," and  
11 so forth.  
12 I think you need -- you said  
13 Cardinal Health. I think you need  
14 to say what it actually says on  
15 the paper if you're going to  
16 purport to read what's on the  
17 paper, so you need to say CAH.  
18 MR. PIFKO: You can make an  
19 objection.  
20 MR. NICHOLAS: Well, I'm  
21 just -- this isn't -- this is just  
22 so we have a cleaner record going  
23 forward.  
24 MR. PIFKO: I think it's a



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1 cleaner record when you say what  
2 the actual thing is.  
3 MR. NICHOLAS: Well, no, no,  
4 no. The actual thing is what's  
5 written on the piece of paper. So  
6 I think you need to do that. And  
7 that's -- that's what I'll ask you  
8 to do going forward.  
9 THE WITNESS: What was the  
10 question?  
11 MR. PIFKO: Exactly. More  
12 interruptions that disrupt the  
13 deposition.  
14 MR. NICHOLAS: No need for  
15 the commentary. I'm trying to  
16 make a clean record.  
17 MR. PIFKO: You're talking  
18 about making a clean record. I'm  
19 making a clean record that you're  
20 continuing to disrupt the record  
21 with unnecessary discussion.  
22 BY MR. PIFKO:  
23 Q. Okay. Do you know what CAH  
24 stands for? Does that stand for Cardinal

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1 Health? Is that an abbreviation that's  
2 used for Cardinal Health?  
3 A. Yes.  
4 Q. So when I say CAH, you  
5 understand that means Cardinal Health,  
6 correct?  
7 A. I do.  
8 Q. Okay. So do you recall  
9 there being a discussion about concerns  
10 that these were accounts that Cardinal  
11 Health didn't want because they were high  
12 risk?  
13 A. No discussions that I  
14 participated in.  
15 Q. Okay. You were a recipient  
16 of this e-mail, correct?  
17 A. Yes.  
18 Q. You don't recall when you  
19 received this e-mail being concerned that  
20 the company was putting itself at risk by  
21 taking on accounts that maybe Cardinal  
22 Health didn't want?  
23 MR. NICHOLAS: Object to the  
24 form.

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1 THE WITNESS: Again, I was  
2 not involved in any discussions of  
3 that sort about those accounts.  
4 BY MR. PIFKO:  
5 Q. When you received this  
6 e-mail, did you do any investigation into  
7 these accounts to determine what Steve  
8 was talking about, about these being high  
9 risk accounts?  
10 MR. NICHOLAS: Object to the  
11 form.  
12 THE WITNESS: I did not.  
13 BY MR. PIFKO:  
14 Q. If these were high risk  
15 accounts that Cardinal Health didn't want  
16 to do business with anymore, is that  
17 something that you would have liked to  
18 have known?  
19 MR. NICHOLAS: Object.  
20 BY MR. PIFKO:  
21 Q. As a diversion control  
22 officer for the company?  
23 MR. NICHOLAS: Objection.  
24 Form and foundation.

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1 THE WITNESS: Well, I think  
2 Steve said he was concerned that  
3 they might be. I don't know to  
4 what extent it was ever determined  
5 that was in fact true.  
6 BY MR. PIFKO:  
7 Q. Well, if it was true, was it  
8 something that you'd want to know?  
9 MR. NICHOLAS: Objection to  
10 form, foundation. Hypothetical.  
11 THE WITNESS: I trusted  
12 information that would have been  
13 ferreted out through the due  
14 diligence process.  
15 BY MR. PIFKO:  
16 Q. Okay. He says, "I'm  
17 concerned that these are the" -- "the  
18 high risk accounts that Cardinal Health  
19 wants to dump."  
20 Do you have any idea about  
21 why Steve might have known that there  
22 were high risk accounts that Cardinal  
23 wanted to dump?  
24 MR. NICHOLAS: Objection.

<p style="text-align: right;">Page 170</p> <p>1 Form. Foundation.</p> <p>2 THE WITNESS: I do not know.</p> <p>3 BY MR. PIFKO:</p> <p>4 Q. Did you ever communicate</p> <p>5 with your counterparts at Cardinal</p> <p>6 Health?</p> <p>7 MR. NICHOLAS: Object to the</p> <p>8 form. Ever?</p> <p>9 THE WITNESS: I've had</p> <p>10 discussions with people at</p> <p>11 Cardinal Health. Not specifically</p> <p>12 about this.</p> <p>13 BY MR. PIFKO:</p> <p>14 Q. Who are your counterparts at</p> <p>15 Cardinal Health?</p> <p>16 MR. NICHOLAS: Object to the</p> <p>17 form.</p> <p>18 THE WITNESS: Currently I</p> <p>19 have no counterparts at Cardinal</p> <p>20 Health.</p> <p>21 BY MR. PIFKO:</p> <p>22 Q. Fair enough. During the</p> <p>23 time when you were an executive in the</p> <p>24 diversion control function for</p>	<p style="text-align: right;">Page 172</p> <p>1 would have been him, but I can't provide</p> <p>2 a name.</p> <p>3 Q. So you never spoke with</p> <p>4 anyone at Cardinal about high risk</p> <p>5 Walgreens accounts?</p> <p>6 A. I did not.</p> <p>7 Q. You don't recall Steve</p> <p>8 telling you what high risk Walgreens</p> <p>9 accounts there might be that Cardinal</p> <p>10 had?</p> <p>11 MR. NICHOLAS: Objection.</p> <p>12 Asked and answered.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: I do not.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. If you go to the first page</p> <p>17 of Exhibit 10, Steve talks about reaching</p> <p>18 out to Reardon on the bottom.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember him ever</p> <p>22 talking about reaching out to Steve</p> <p>23 Reardon?</p> <p>24 A. No, I don't.</p>
<p style="text-align: right;">Page 171</p> <p>1 AmerisourceBergen, do you know who your</p> <p>2 counterparts at Cardinal were?</p> <p>3 A. Well, number one, I'd like</p> <p>4 to correct the executive part. I'm far</p> <p>5 from an executive.</p> <p>6 I didn't have a specific</p> <p>7 person that I communicated with regularly</p> <p>8 at Cardinal Health.</p> <p>9 Q. Have you heard of Steve</p> <p>10 Reardon?</p> <p>11 A. I've heard the name, yes.</p> <p>12 I've met him.</p> <p>13 Q. Okay. So that's someone</p> <p>14 you've communicated with on occasion?</p> <p>15 A. No. I've met him. I can't</p> <p>16 say that we've communicated on occasion.</p> <p>17 Q. Where did you meet him?</p> <p>18 A. Industry functions.</p> <p>19 Q. Can you think of anyone else</p> <p>20 in the diversion control function at</p> <p>21 Cardinal that you met?</p> <p>22 A. There's one person whose</p> <p>23 name escapes me. But if there was anyone</p> <p>24 who I would have communicated with, it</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. He also says, "I'm afraid</p> <p>2 some higher level Cardinal guys might be</p> <p>3 looking for work."</p> <p>4 What -- is that something</p> <p>5 that you're familiar with?</p> <p>6 A. I have no idea what that</p> <p>7 refers to.</p> <p>8 Q. The next e-mail up, Chris</p> <p>9 tells Steve to ask Mapes.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know who Mapes is,</p> <p>13 Mike Mapes?</p> <p>14 A. Mike Mapes, yes.</p> <p>15 Q. Who was he?</p> <p>16 A. He was a former DEA official</p> <p>17 that did consulting work for</p> <p>18 AmerisourceBergen.</p> <p>19 Q. So at this time, he was a</p> <p>20 consultant for AmerisourceBergen?</p> <p>21 A. I don't know the time span</p> <p>22 that he served. But I know he was a</p> <p>23 consultant for AmerisourceBergen.</p> <p>24 Q. Did you ever interact with</p>

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1 Mr. Mapes when he was a DEA agent?  
2 A. Not when he was with DEA,  
3 no.  
4 Q. Are you aware that he had  
5 interactions with the company as a DEA  
6 agent?  
7 A. Yes, I am aware.  
8 Q. And then he became a paid  
9 consultant for AmerisourceBergen?  
10 A. After his career, yes.  
11 Q. Looking at the discussion on  
12 the first page, do you have any idea  
13 about why they wanted to talk to DEA  
14 about this discussion concerning  
15 Walgreens?  
16 A. No, I have no idea.  
17 Q. I want to go back to -- and  
18 you agree when this says C2, that means a  
19 Scheduled II controlled substance,  
20 correct?  
21 A. Correct.  
22 Q. That's a common way of  
23 using -- of talking about Schedule II  
24 controlled substance by just abbreviating

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1 it C2, correct?  
2 A. Yes.  
3 Q. Let's go back to the Actavis  
4 document. As I'm sure you know, we've  
5 since gotten permission to discuss that  
6 document.  
7 MR. NICHOLAS: Did you say  
8 you just got permission to discuss  
9 the document?  
10 MR. PIFKO: Yeah. Sterling  
11 e-mailed with their counsel.  
12 MR. NICHOLAS: Is there  
13 someone on the line to confirm it?  
14 Zach are you there?  
15 MR. CIULLO: Yeah, this is  
16 Zach -- this is Zach Ciullo. I  
17 can confirm.  
18 MR. PIFKO: Thank you Zach.  
19 BY MR. PIFKO:  
20 Q. Do you have that in front of  
21 you?  
22 A. Yeah.  
23 Q. Which exhibit is that?  
24 A. Four.

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1 Q. Looking at Exhibit 4 -- as a  
2 general matter, do you recall meeting  
3 with any other manufacturers to discuss  
4 suspicious order monitoring programs?  
5 MR. CIULLO: Objection to  
6 form.  
7 THE COURT REPORTER: If I  
8 could ask if they could identify  
9 themselves.  
10 MR. CIULLO: Zachary Ciullo.  
11 THE COURT REPORTER: Thank  
12 you.  
13 MR. STERLING: Do you want  
14 to tell her who you represent,  
15 Zach, so can keep you on record  
16 for further objection?  
17 MR. CIULLO: Yes, I  
18 represent Allergan Finance LLC.  
19 THE WITNESS: Can you  
20 refresh my recollection of the  
21 question?  
22 BY MR. PIFKO:  
23 Q. Yeah, no problem.  
24 I said, as a general matter,

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1 do you recall having meetings with  
2 manufacturers of controlled substances  
3 concerning suspicious order monitoring  
4 programs?  
5 MR. CIULLO: Same objection.  
6 THE WITNESS: Yes. I recall  
7 having interactions with other  
8 manufacturers.  
9 BY MR. PIFKO:  
10 Q. Can you name any other  
11 manufacturers you recall having met with?  
12 A. Mallinckrodt. Most of the  
13 interactions with manufacturers was by  
14 way of an annual form that they required  
15 be filled out just certifying the  
16 existence of an order monitoring program  
17 and so forth. It was general practice  
18 for most of the manufacturers to send  
19 that sort of form. Mallinckrodt is the  
20 only one I can think of that I met with  
21 personally.  
22 Q. They had a form they wanted  
23 to fill out for their records to ensure  
24 that you told them you had a suspicious

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1 order monitoring program? Is that what  
2 you're saying?

3 MR. NICHOLAS: Object to  
4 form.

5 THE WITNESS: Yes.

6 MR. CIULLO: Same objection.

7 BY MR. PIFKO:

8 Q. Do you know if at any time  
9 manufacturers conducted audits of  
10 AmerisourceBergen's suspicious order  
11 monitoring programs?

12 A. I don't recall any coming  
13 into our company to do an on-site audit,  
14 no.

15 Q. How about any kind of audit?

16 A. No, nothing that came under  
17 my responsibility.

18 Q. Do you ever recall  
19 Mallinckrodt having conducted an audit  
20 with you?

21 A. No. I recall meeting with  
22 them in person. I don't recall any audit  
23 functions being performed.

24 Q. Where was that meeting?

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1 A. At our corporate  
2 headquarters in Pennsylvania.

3 Q. Okay. Do you recall  
4 approximate time period?

5 A. No, I don't.

6 Q. And what did you discuss  
7 during that meeting?

8 A. We generally discussed  
9 customers that they were concerned with  
10 who were purchasing their products and  
11 that were customers of AmerisourceBergen.

12 Q. And why -- did they tell why  
13 they were concerned about these customers  
14 that you were discussing?

15 A. They had their own --

16 MR. CIULLO: Object to form.

17 THE WITNESS: They had their  
18 own internal program which my  
19 recollection is these customers  
20 were identified through their  
21 program as purchasing quantities  
22 that they felt were -- bear  
23 further investigation.

24 BY MR. PIFKO:

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1 Q. And when you talk about  
2 customers, these were retail pharmacy  
3 customers?

4 A. Correct.

5 Q. So Mallinckrodt, based on  
6 your discussion with them, Mallinckrodt  
7 had some sort of monitoring system of its  
8 own that raised flags about certain  
9 customers and that they came to you to  
10 discuss those customers?

11 A. They had their own program  
12 that identified customers that they  
13 wanted to discuss with us, yes.

14 Q. Going back to this meeting  
15 with Actavis. Let's go to the fifth  
16 page. Do you see it says System  
17 Challenges and Responses?

18 A. Yes.

19 Q. It says, "Threshold-based  
20 systems are not sufficient." Do you see  
21 that?

22 A. I do.

23 Q. Do you have any recollection  
24 of Actavis telling you why

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1 threshold-based systems were not  
2 sufficient?

3 MR. NICHOLAS: Objection to  
4 the form and to the -- and to the  
5 foundation of the question.

6 MR. CIULLO: Same.

7 THE WITNESS: I do not  
8 recall that.

9 BY MR. PIFKO:

10 Q. How about, it says, the next  
11 bullet point says, "Cutting orders to a  
12 volume that puts the order under a  
13 threshold is not acceptable."

14 Do you see that?

15 A. I do.

16 Q. Do you understand what they  
17 are referring to there?

18 MR. NICHOLAS: Objection to  
19 the form and to the foundation.

20 MR. CIULLO: Join.

21 THE WITNESS: I -- no, I  
22 don't know what they are referring  
23 to specifically.

24 BY MR. PIFKO:

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1 Q. Have you heard of the idea  
2 of someone places an order, let's just  
3 say for example it's for a thousand  
4 units, but it puts them over their  
5 threshold by a hundred units, so then  
6 someone modifies the order to make it  
7 900 units and then it passes through.  
8 Have you heard of that idea?  
9 A. I had not.  
10 Q. Is that a permissible  
11 practice as far as you're concerned under  
12 ABDC's policies?  
13 MR. NICHOLAS: Object to the  
14 form.  
15 THE WITNESS: It is not.  
16 BY MR. PIFKO:  
17 Q. It is not permissible?  
18 A. It's not acceptable.  
19 Q. And why is that?  
20 A. It's altering information  
21 that is not intended to be altered.  
22 Q. Did AmerisourceBergen have a  
23 threshold-based system in 2012?  
24 A. Yes.

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1 Q. If you go to Page 7. Are  
2 you there?  
3 A. Yes.  
4 Q. It's a flowchart. It says,  
5 "SOM overall process." I assume that  
6 means suspicious order monitoring overall  
7 process. Do you see that?  
8 A. Yes.  
9 Q. Okay. Looking at this  
10 process, is this reflective of  
11 AmerisourceBergen's process?  
12 MR. NICHOLAS: Object to the  
13 form. Object to the foundation.  
14 If he's going to insist you  
15 answer, please read it carefully.  
16 THE WITNESS: I don't know  
17 who authored the -- the document.  
18 I don't know what the intention  
19 was, whether they are discussing  
20 current practice, whether --  
21 whether they are proposing  
22 something. I just don't have  
23 enough information to know.  
24 BY MR. PIFKO:

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1 Q. Okay. But you're familiar  
2 with AmerisourceBergen's suspicious order  
3 monitoring process, correct?  
4 A. Yes.  
5 Q. Does this appear to be  
6 consistent with that, or is this not  
7 reflective of what AmerisourceBergen's  
8 practices is?  
9 MR. NICHOLAS: Objection.  
10 Total lack of foundation. It's  
11 not an SAT question.  
12 THE WITNESS: I mean there  
13 seems to be components here that  
14 are consistent with what we do as  
15 far as -- or did at the time for  
16 our order monitoring program.  
17 BY MR. PIFKO:  
18 Q. But there's other components  
19 that are not what you did?  
20 MR. NICHOLAS: Same  
21 objection. If you're going to ask  
22 him to take the time and go  
23 through component by component,  
24 we'll be here a while.

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1 THE WITNESS: Well, for  
2 example, I don't recall us having  
3 anything that we termed an SOM  
4 steering committee. That's about  
5 the only thing that I could  
6 identify.  
7 BY MR. PIFKO:  
8 Q. Okay. I want to go to -- go  
9 to Page 11. Are you there?  
10 A. Yes.  
11 Q. It's the slide, the top of  
12 the slide says, "Top 50 Pharmacies Sales  
13 of Oxycodone 30, January 1st, 2012, to  
14 June 2012."  
15 And then it says in  
16 parentheses, "not all of June being  
17 reported at the time these statistics  
18 were reported."  
19 Do you see that?  
20 A. Yes.  
21 Q. It has an NDC code 287911.  
22 Do you see that?  
23 A. Yes.  
24 Q. Do you know what that code



<p style="text-align: right;">Page 186</p> <p>1 refers to?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form of the question. Object to</p> <p>4 the foundation.</p> <p>5 THE WITNESS: I don't know</p> <p>6 for certain, but I believe it</p> <p>7 refers to a particular product.</p> <p>8 BY MR. PIFKO:</p> <p>9 Q. Okay. So this chart, it has</p> <p>10 a rank. A buyer's DEA number. A buyer.</p> <p>11 City, state, zip code. Number of pills.</p> <p>12 Bottles. And it has a column of the</p> <p>13 wholesaler. Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Okay. AmerisourceBergen is</p> <p>16 listed as one or the only wholesaler for</p> <p>17 all these, correct?</p> <p>18 Or, sorry, one of the</p> <p>19 wholesalers on all these, on Page 11,</p> <p>20 correct?</p> <p>21 MR. NICHOLAS: Object to the</p> <p>22 form. Object to the foundation.</p> <p>23 THE WITNESS: I don't quite</p> <p>24 understand your question.</p>	<p style="text-align: right;">Page 188</p> <p>1 MR. PIFKO: You can make</p> <p>2 that objection, sure.</p> <p>3 MR. NICHOLAS: But -- I know</p> <p>4 I can make it. But do I have to</p> <p>5 repeat it every time?</p> <p>6 MR. PIFKO: It depends on</p> <p>7 the question.</p> <p>8 MR. NICHOLAS: Okay. I</p> <p>9 guess I have to repeat it every</p> <p>10 time.</p> <p>11 MR. PIFKO: Okay.</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form. Object to the foundation.</p> <p>14 MR. PIFKO: My questions are</p> <p>15 not all about the document.</p> <p>16 MR. NICHOLAS: Every</p> <p>17 question is based on the document</p> <p>18 that you have in front of him. If</p> <p>19 you want to ask him questions</p> <p>20 about the document in front of</p> <p>21 him, I won't have to continue to</p> <p>22 object.</p> <p>23 But as long as you ask him</p> <p>24 to look at the document and ask</p>
<p style="text-align: right;">Page 187</p> <p>1 BY MR. PIFKO:</p> <p>2 Q. In the wholesaler column.</p> <p>3 A. Right.</p> <p>4 Q. It says ABC, that refers to</p> <p>5 AmerisourceBergen Corporation, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And then it has a name. Is</p> <p>8 that a distribution center name?</p> <p>9 A. It is.</p> <p>10 Q. Okay. So let's take</p> <p>11 Number 1. Food City Pharmacy. Do you</p> <p>12 know if that was a -- if Food City was a</p> <p>13 customer of AmerisourceBergen's?</p> <p>14 MR. NICHOLAS: Object to the</p> <p>15 form. Object to the foundation.</p> <p>16 I'll try not to object to</p> <p>17 everything provided I'm given a</p> <p>18 continuing objection to this</p> <p>19 entire line of questioning about a</p> <p>20 document that he hasn't seen,</p> <p>21 that's another company's document.</p> <p>22 Do I have the continuing</p> <p>23 objection?</p> <p>24 MR. CIULLO: Join.</p>	<p style="text-align: right;">Page 189</p> <p>1 questions about it, I guess I'll</p> <p>2 have to object every time.</p> <p>3 Object to the form. Object</p> <p>4 to the foundation.</p> <p>5 BY MR. PIFKO:</p> <p>6 Q. You probably don't remember</p> <p>7 my question, do you?</p> <p>8 A. I believe you were asking</p> <p>9 about the first line, the customer in</p> <p>10 that line.</p> <p>11 Q. What did I ask you?</p> <p>12 MR. NICHOLAS: Object to the</p> <p>13 form of that question.</p> <p>14 THE WITNESS: Were they an</p> <p>15 AmerisourceBergen customer.</p> <p>16 BY MR. PIFKO:</p> <p>17 Q. Correct. Okay. What's the</p> <p>18 answer to that?</p> <p>19 MR. NICHOLAS: Objection.</p> <p>20 Go ahead.</p> <p>21 THE WITNESS: They were at</p> <p>22 one time.</p> <p>23 BY MR. PIFKO:</p> <p>24 Q. Okay. It says they are</p>

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1 ranked number one -- all the way to the  
2 right of the comments section. Ranked  
3 Number 1 for oxy 15-milligram and oxy  
4 30-milligram in 2011; Number 1 for  
5 30-milligram and Number 29 for  
6 15-milligram.

7 Do you see that?

8 A. I do.

9 Q. Do you have an understanding  
10 of what -- what that means?

11 MR. NICHOLAS: Objection to  
12 the form. Objection to the  
13 foundation.

14 MR. CIULLO: Join.

15 THE WITNESS: I'm confused  
16 by what ranking they are referring  
17 to.

18 Is it their -- their  
19 ranking, our ranking? I just  
20 don't have enough information.

21 BY MR. PIFKO:

22 Q. Okay. Let's go to Line 6.  
23 If you go to the rank on the left.  
24 Windsor Pharmacy.

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1 Are you there?

2 A. Yes.

3 Q. Okay. It says,  
4 "Wholesaler," and it says,  
5 "AmerisourceBergen, Bethlehem."

6 Do you have a distribution  
7 center there?

8 A. Yes, we do.

9 MR. NICHOLAS: Objection to  
10 form and foundation.

11 Go ahead.

12 BY MR. PIFKO:

13 Q. And then it says and,  
14 "Wholesaler Number 2."

15 Do you see that?

16 A. I do.

17 Q. And then it says in the  
18 comment section, "Dual sourcing."

19 Do you see that?

20 A. Yes.

21 Q. Do you understand that to  
22 mean that the numbers being reflected  
23 here are from ABC and some other unknown  
24 distributor --

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1 MR. NICHOLAS: Objection.

2 BY MR. PIFKO:

3 Q. -- Wholesaler Number 2.

4 MR. NICHOLAS: Objection to  
5 the form. Objection to the  
6 foundation.

7 MR. CIULLO: Join.

8 THE WITNESS: That would be  
9 my understanding of that line.

10 BY MR. PIFKO:

11 Q. Then we have the same thing  
12 on Line 17 for Hopkins Pharmacy, and Line  
13 20 for Humana Pharmacy in West Chester,  
14 Ohio.

15 Do you see those?

16 A. I do.

17 Q. And in the comments it says,  
18 "Dual sourcing," again.

19 Do you see that?

20 A. Yes.

21 Q. Same thing for Number 37.  
22 Agree?

23 MR. NICHOLAS: Object to the  
24 form. Object to the foundation.

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1 THE WITNESS: Yes.

2 MR. CIULLO: Join.

3 BY MR. PIFKO:

4 Q. Let's go to Slide 13. Do  
5 you see what it says at the top of Slide  
6 13?

7 A. Let me make sure I'm -- yes.

8 Q. Can you read that for me?

9 A. "Pharmacies purchasing from  
10 multiple wholesalers. Sales of oxycodone  
11 15-milligram and 30-milligram, NDC" -- do  
12 you want me to read the NDC numbers?

13 Q. That's okay. Thank you.  
14 And it's for the time period January 1st,  
15 2012 to October 15, 2012.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And then it's got a  
19 chart, which has a buyer's DEA number,  
20 buyer name, some information about where  
21 the buyer is located, the wholesaler, and  
22 the quantity of oxy 30, 100 count from  
23 the 867 data.

24 Do you see that?

<p style="text-align: right;">Page 194</p> <p>1 A. Yes.</p> <p>2 Q. And then it also has another</p> <p>3 column for the quantity of 15-milligram</p> <p>4 year-to-date 867 data.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what 867 data</p> <p>8 is?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MR. PIFKO:</p> <p>13 Q. Are these buyers listed in</p> <p>14 the buyer column, are those</p> <p>15 AmerisourceBergen customers at that time?</p> <p>16 MR. NICHOLAS: Objection to</p> <p>17 form and foundation.</p> <p>18 THE WITNESS: Most sound</p> <p>19 familiar. One I'm not -- I've</p> <p>20 never heard of.</p> <p>21 BY MR. PIFKO:</p> <p>22 Q. Which one?</p> <p>23 A. Apple Discount Drugs.</p> <p>24 Q. Okay. If we wanted to</p>	<p style="text-align: right;">Page 196</p> <p>1 customers, yes.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. Okay. And you see here, it</p> <p>4 has -- it says in the wholesaler column,</p> <p>5 ABDC and it has a distribution center,</p> <p>6 and it names that there are other</p> <p>7 wholesalers.</p> <p>8 Do you see that, for all</p> <p>9 these?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And then it's got the</p> <p>12 quantities in the other columns, agreed?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall any other</p> <p>15 manufacturers ever sharing sales data or</p> <p>16 purchasing volumes concerning</p> <p>17 AmerisourceBergen's customers with you?</p> <p>18 MR. NICHOLAS: Object to the</p> <p>19 form.</p> <p>20 MR. CIULLO: Object to form.</p> <p>21 THE WITNESS: The -- the</p> <p>22 information discussed with</p> <p>23 Mallinckrodt was similar to the</p> <p>24 kind of information on this</p>
<p style="text-align: right;">Page 195</p> <p>1 confirm that these were AmerisourceBergen</p> <p>2 customers, where would I look?</p> <p>3 MR. NICHOLAS: Object to the</p> <p>4 form.</p> <p>5 THE WITNESS: On one of our</p> <p>6 internal computer systems.</p> <p>7 BY MR. PIFKO:</p> <p>8 Q. Under the Star system or the</p> <p>9 SAP system?</p> <p>10 MR. NICHOLAS: Objection to</p> <p>11 the form.</p> <p>12 THE WITNESS: I don't know</p> <p>13 enough about either system to be</p> <p>14 able to say yes --</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. Okay.</p> <p>17 A. -- or no.</p> <p>18 Q. But there's -- one could</p> <p>19 look at AmerisourceBergen's data and find</p> <p>20 out if these were customers at that time?</p> <p>21 MR. NICHOLAS: Objection.</p> <p>22 Form.</p> <p>23 THE WITNESS: We can</p> <p>24 certainly determine if they were</p>	<p style="text-align: right;">Page 197</p> <p>1 document.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. Okay. And so in the meeting</p> <p>4 and the discussion that you had with</p> <p>5 Mallinckrodt, they also shared with you</p> <p>6 sales data which may have reflected</p> <p>7 purchases of a customer from multiple</p> <p>8 wholesalers?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: I don't recall</p> <p>12 the extent of the data. The only</p> <p>13 thing that I remember is them</p> <p>14 providing customer names that they</p> <p>15 wanted to discuss.</p> <p>16 BY MR. PIFKO:</p> <p>17 Q. On February 11, 2013,</p> <p>18 Actavis sent you a letter. I don't have</p> <p>19 a copy of that letter from</p> <p>20 AmerisourceBergen's files, but it's got</p> <p>21 your name on it.</p> <p>22 MR. PIFKO: Are we going to</p> <p>23 have an argument with counsel that</p> <p>24 the witness received this letter,</p>

<p style="text-align: right;">Page 198</p> <p>1 given that it's a letter that --</p> <p>2 has got his name at the top here?</p> <p>3 It says, "It was a pleasure</p> <p>4 speaking with you," et cetera, and</p> <p>5 describes a discussion with him?</p> <p>6 MR. NICHOLAS: You know, for</p> <p>7 someone who doesn't --</p> <p>8 MR. CIULLO: Can you give me</p> <p>9 the Bates numbers.</p> <p>10 MR. PIFKO: Yeah, it's</p> <p>11 TEVA_MDL_A_01037633.</p> <p>12 MR. CIULLO: I'm sorry.</p> <p>13 Repeat the numbers. You cut out a</p> <p>14 little bit.</p> <p>15 MR. PIFKO: Okay. It's</p> <p>16 TEVA_MDL_A_01037633.</p> <p>17 MR. NICHOLAS: Before I</p> <p>18 answer your question, what</p> <p>19 exactly --</p> <p>20 MR. PIFKO: I'm not asking</p> <p>21 you. I'm asking counsel on the</p> <p>22 phone.</p> <p>23 MR. CIULLO: Give me a</p> <p>24 moment to review the document,</p>	<p style="text-align: right;">Page 200</p> <p>1 Bates labeled Teva_MDL_A_01037633 through</p> <p>2 34.</p> <p>3 It is a letter addressed to</p> <p>4 the witness, dated February 11, 2013.</p> <p>5 Please take a moment to review it and let</p> <p>6 me know when you're done.</p> <p>7 A. I have reviewed.</p> <p>8 Q. All right. Do you recall</p> <p>9 reading this letter from Mr. Napoli?</p> <p>10 A. I don't recall receiving the</p> <p>11 letter, but I remember conversations with</p> <p>12 Tom Napoli.</p> <p>13 Q. Who is Tom Napoli?</p> <p>14 A. I don't know his position</p> <p>15 title, but he was -- well, it says</p> <p>16 associate director of controlled</p> <p>17 substance compliance for Actavis.</p> <p>18 Q. You say you recall speaking</p> <p>19 with him?</p> <p>20 A. Yes.</p> <p>21 Q. On more than one occasion?</p> <p>22 A. Yeah, he was an acquaintance</p> <p>23 through industry groups, so I knew him to</p> <p>24 speak with.</p>
<p style="text-align: right;">Page 199</p> <p>1 please.</p> <p>2 MR. PIFKO: No problem.</p> <p>3 MR. CIULLO: Thank you.</p> <p>4 This was addressed to him.</p> <p>5 We don't have any objection to</p> <p>6 this.</p> <p>7 MR. PIFKO: Thank you.</p> <p>8 MR. CIULLO: For the record,</p> <p>9 it would be helpful, just to avoid</p> <p>10 these kind of issues like we've</p> <p>11 had today, if we reach out to</p> <p>12 counsel before. But it's up to</p> <p>13 you.</p> <p>14 MR. PIFKO: Understood. I</p> <p>15 don't think we're going to be</p> <p>16 using any documents from any other</p> <p>17 defendant after this.</p> <p>18 (Document marked for</p> <p>19 identification as Exhibit</p> <p>20 ABDC-Hazewski-11.)</p> <p>21 BY MR. PIFKO:</p> <p>22 Q. I'm handing you what's</p> <p>23 marked as Exhibit 11.</p> <p>24 It's a two-page document.</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. Okay. What industry groups</p> <p>2 did you know him from?</p> <p>3 A. There was a New Jersey -- I</p> <p>4 don't recall the specific name of the --</p> <p>5 of the group. But there was a New Jersey</p> <p>6 group of pharmaceutical manufacturers and</p> <p>7 distributors that met on -- I don't</p> <p>8 recall how frequently, but we -- we met</p> <p>9 and discussed issues of concern.</p> <p>10 Q. When you say issues of</p> <p>11 concern, what do you mean?</p> <p>12 A. Suspicious order monitoring.</p> <p>13 Due diligence. Other issues that were</p> <p>14 specific to manufacturers that I really</p> <p>15 knew nothing about. Issues of that sort.</p> <p>16 Q. Do you remember the identity</p> <p>17 of any other companies who participated</p> <p>18 in those meetings?</p> <p>19 A. No, I -- I don't recall any</p> <p>20 other wholesale distributors</p> <p>21 participating. In terms of the</p> <p>22 manufacturers, there were several, but I</p> <p>23 couldn't -- I couldn't tell you which</p> <p>24 ones.</p>

<p style="text-align: right;">Page 202</p> <p>1 Q. Did you ever get any notes 2 or documents or e-mails from -- from that 3 group? 4 A. None that I recall. 5 Q. How did you know to go to 6 the meetings? 7 A. Probably through an e-mail 8 request. 9 Q. Okay. Who -- someone from 10 the group would have e-mailed you? 11 A. Correct. 12 MR. NICHOLAS: Object to the 13 form. 14 MR. CIULLO: Join. 15 BY MR. PIFKO: 16 Q. After these meetings 17 occurred, do you remember exchanging 18 discussion with anyone over e-mail? 19 A. No, I don't. 20 Q. Okay. But you knew 21 Mr. Napoli from these meetings? 22 A. Yes. 23 Q. You met with him with some 24 regularity?</p>	<p style="text-align: right;">Page 204</p> <p>1 30s, correct? 2 A. Which other document are 3 you -- 4 Q. The Actavis presentation we 5 just looked at. 6 A. Yes. 7 Q. Who is Joe Tomkiewicz? 8 A. He's a former employee of 9 AmerisourceBergen and worked on the 10 diversion control team. 11 Q. Did he work for you or just 12 with you or? 13 A. For me. 14 Q. Okay. What was his role? 15 A. He was -- he reviewed 16 suspicious orders. He did a lot of our 17 data work in terms of putting together 18 spreadsheets to pass along information 19 internally about the job we were doing. 20 Q. Do you agree that you had 21 mutual compliance goals with Actavis? 22 MR. NICHOLAS: Object to the 23 form. Go ahead. 24 THE WITNESS: I agree, the</p>
<p style="text-align: right;">Page 203</p> <p>1 MR. NICHOLAS: Object to 2 form and foundation. 3 MR. CIULLO: Same objection. 4 THE WITNESS: I don't know 5 whether I would say with 6 regularity, but when we had 7 occasion to speak, we did. 8 BY MR. PIFKO: 9 Q. Okay. So this -- this says, 10 "It was a pleasure speaking with both 11 yourself and Joe Tomkiewicz this 12 afternoon." Do you remember -- and it 13 goes on to say about "mutual compliance 14 goals relative to Oxycodone, 15 tablets 15 and Oxycodone 30." 16 Do you see that? 17 A. I do. 18 Q. Okay. Do you recall having 19 a discussion with him about that? 20 A. Other than his synopsis in 21 this letter, I don't have a recollection 22 of specifically talking about it. 23 Q. The document we previously 24 reviewed also discusses Oxycodone 15s and</p>	<p style="text-align: right;">Page 205</p> <p>1 entire supply chain has mutual 2 goals when it comes to compliance. 3 BY MR. PIFKO: 4 Q. And how so? 5 MR. NICHOLAS: Object to the 6 form. 7 THE WITNESS: I think the -- 8 the group as a whole, or the 9 industry as a whole, are 10 responsible corporate citizens and 11 endeavor to do the right thing. 12 BY MR. PIFKO: 13 Q. In what way do they endeavor 14 to do the right thing? 15 A. By following the guidelines 16 and statutes that -- that govern the 17 handling of controlled substances. 18 Q. I believe I've seen in one 19 of your documents that the company should 20 engage in diversion control because it's 21 the right thing to do. Is that a 22 statement you would agree with? 23 MR. NICHOLAS: Object to the 24 form. Go ahead.</p>



<p style="text-align: right;">Page 206</p> <p>1 THE WITNESS: I think we do                  2 do the right thing.                  3 BY MR. PIFKO:                  4 Q. But I'm just asking, if --                  5 if you agree that the company should                  6 engage in diversion control because it's                  7 the right thing to do?                  8 MR. NICHOLAS: Object to the                  9 form.                  10 THE WITNESS: We -- we                  11 should engage in diversion control                  12 because it's mandated by the                  13 statute.                  14 BY MR. PIFKO:                  15 Q. But also because it's the                  16 right thing to do?                  17 MR. NICHOLAS: Object to the                  18 form. But go ahead.                  19 THE WITNESS: It is the                  20 right thing to do, yes.                  21 BY MR. PIFKO:                  22 Q. In this letter at the bottom                  23 it talks about AmerisourceBergen's having                  24 reevaluated ordering threshold limits,</p>	<p style="text-align: right;">Page 208</p> <p>1 board.                  2 BY MR. PIFKO:                  3 Q. Okay. When did you do that?                  4 A. I couldn't tell you. I                  5 don't recall.                  6 Q. Do you remember why you did                  7 that?                  8 A. To -- I don't recall                  9 specifically the reasoning behind it.                  10 But we wanted to lessen our distribution                  11 of those particular products, which I've                  12 described previous as high-risk products.                  13 Q. If you go to the next page,                  14 top paragraph. I'll read to you. "Also                  15 during our discussion, we indicated that                  16 a review of the previous six months'                  17 ordering of the Oxycodone HCL 15 and                  18 30-milligram products from legacy Actavis                  19 indicated no appreciable reduction in                  20 order quantities."                  21 Do you see that?                  22 A. I do.                  23 Q. Is it your understanding                  24 that although the thresholds were</p>
<p style="text-align: right;">Page 207</p> <p>1 and reduce them by 50 percent. You can                  2 read the whole bottom paragraph down                  3 there. It's the second to last sentence                  4 that talks about that.                  5 A. This is the letter to me                  6 you're referring to, correct?                  7 Q. Yeah.                  8 MR. CIULLO: Sorry, where                  9 are you?                  10 MR. PIFKO: Bottom of that                  11 letter.                  12 THE WITNESS: Okay.                  13 BY MR. PIFKO:                  14 Q. Do -- do you recall that --                  15 whether AmerisourceBergen reduced                  16 ordering threshold limits by 50 -- 50                  17 percent for Oxycodone 15 and 30 from                  18 Actavis?                  19 MR. NICHOLAS: Object to the                  20 form.                  21 THE WITNESS: I recall that                  22 we reduced threshold limits for                  23 Oxycodone, not specifically                  24 Actavis products, but across the</p>	<p style="text-align: right;">Page 209</p> <p>1 lowered, it didn't result in a lesser                  2 quantity being ordered?                  3 MR. NICHOLAS: Objection to                  4 the form, and the foundation.                  5 THE WITNESS: I don't know                  6 the time frames in terms of when                  7 the reductions took place as to                  8 when this data was gathered. It's                  9 just difficult to say.                  10 BY MR. PIFKO:                  11 Q. Do you ever recall                  12 discussing that even though the company                  13 lowered thresholds for those products, it                  14 didn't impact the quantities that were                  15 sold?                  16 A. I don't recall having such                  17 discussions, no.                  18 Q. Would you expect that if you                  19 lowered the thresholds, that sales would                  20 go down?                  21 MR. NICHOLAS: Object to the                  22 form.                  23 MR. CIULLO: Objection,                  24 foundation.</p>

<p style="text-align: right;">Page 210</p> <p>1 THE WITNESS: I would have  2 to look at the data more closely.  3 It doesn't -- it seems to -- it  4 seems to me if the thresholds are  5 lowered -- but that doesn't take  6 into account what products are  7 being ordered. There's -- there's  8 just not enough information here  9 for me to comment.  10 BY MR. PIFKO:  11 Q. If the thresholds -- sorry,  12 you were still talking?  13 A. No, I'm sorry.  14 Q. Okay. If the thresholds  15 were -- okay.  16 You agree that the  17 methodology used for calculating  18 thresholds at AmerisourceBergen was -- at  19 one point was three times an average for  20 a customer that size and type, correct?  21 MR. NICHOLAS: Object to the  22 form.  23 THE WITNESS: Correct.  24 BY MR. PIFKO:</p>	<p style="text-align: right;">Page 212</p> <p>1 (Document marked for  2 identification as Exhibit  3 ABDC-Hazewski-12.)  4 BY MR. PIFKO:  5 Q. I'm handing you what's  6 marked as Exhibit 12.  7 Exhibit 12 is a three-page  8 e-mail, Bates-labeled ABDCMDL00267230  9 through 267232.  10 Take a minute to review  11 this. Let me know when you're done.  12 A. Okay. Okay. I'm ready.  13 Q. All right. This is a series  14 of e-mails. The subject is OMP. The one  15 at the top is dated March 30, 2011, from  16 Chris Zimmerman to Steve Mays, copying  17 you and Bruce Gundy.  18 There are some other e-mails  19 below from Ron Manchester, who is the  20 vice president, it looks like, at the  21 Houston operation.  22 I want to call your  23 attention to the first page. Chris is  24 writing to Steve and copying you and</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. So that's 300 percent of  2 what their average orders were for the  3 measured time period, correct?  4 A. Yes.  5 Q. So that puts in some buffer  6 room from what the average pace is,  7 correct?  8 MR. NICHOLAS: Object to the  9 form.  10 THE WITNESS: Correct.  11 BY MR. PIFKO:  12 Q. So you could lower the  13 threshold, and it doesn't necessarily  14 mean that the amount ordered goes down  15 because the threshold is above what the  16 average is, correct?  17 MR. NICHOLAS: Object to the  18 form.  19 THE WITNESS: Again, I'm  20 just not comfortable with these  21 hypotheticals as to what the  22 result of our actions would be  23 given the volumes of data that  24 need to be assessed.</p>	<p style="text-align: right;">Page 213</p> <p>1 Bruce Gundy. And he says, halfway  2 through the page, "First, when an order  3 is 'just 3 percent or 6 percent' over  4 threshold referenced below, it is  5 actually 303 percent and 306 percent over  6 the average purchase for that size  7 pharmacy because we billed a 300 percent  8 float into each threshold."  9 Do you see that?  10 A. I do.  11 Q. Do you agree that's how the  12 system works?  13 MR. NICHOLAS: Object to the  14 form.  15 THE WITNESS: In terms of  16 those numbers you mean?  17 BY MR. PIFKO:  18 Q. The threshold, when you're 3  19 or 6 percent over threshold, you're  20 actually three times that amount over the  21 average?  22 MR. NICHOLAS: Object to the  23 form.  24 THE WITNESS: Yeah. I agree</p>

<p style="text-align: right;">Page 214</p> <p>1 with that.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. And for the record,</p> <p>4 Mr. Zimmerman's math is actually wrong on</p> <p>5 that calculation. It's 309 and</p> <p>6 318 percent if you are 3 and 6 percent</p> <p>7 over.</p> <p>8 MR. NICHOLAS: I'll object</p> <p>9 because I have no idea whether</p> <p>10 that's right or wrong.</p> <p>11 BY MR. PIFKO:</p> <p>12 Q. You agree a 300 percent over</p> <p>13 the average is a fair amount of wiggle</p> <p>14 room in the thresholds?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form. Foundation. Mainly form.</p> <p>17 THE WITNESS: That's the</p> <p>18 manner in which the system was</p> <p>19 built. So yes, I agree with that.</p> <p>20 BY MR. PIFKO:</p> <p>21 Q. Let's go to the next page.</p> <p>22 The top -- second full paragraph.</p> <p>23 Chris comments that -- he</p> <p>24 says, "It's interesting that the only</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. I'm handing you what's</p> <p>2 marked as Exhibit 13. Take a minute to</p> <p>3 review that. Let me know when you're</p> <p>4 done.</p> <p>5 For the record, Exhibit 13</p> <p>6 is a two-page e-mail Bates-labeled</p> <p>7 ABDCMDL00267013 and 14.</p> <p>8 MR. NICHOLAS: Mark, after</p> <p>9 this document, could we take a</p> <p>10 break?</p> <p>11 MR. PIFKO: Yes.</p> <p>12 MR. NICHOLAS: Are you</p> <p>13 getting close?</p> <p>14 MR. PIFKO: I think so.</p> <p>15 I'll tell you this. I promise</p> <p>16 I'll be before 4:00. I hope a lot</p> <p>17 sooner. I can say that with some</p> <p>18 certainty.</p> <p>19 MR. NICHOLAS: Is this</p> <p>20 flight related?</p> <p>21 MR. PIFKO: No. Just what</p> <p>22 we got going on here, unless you</p> <p>23 want to start some discussion with</p> <p>24 me.</p>
<p style="text-align: right;">Page 215</p> <p>1 other two distribution centers on this</p> <p>2 e-mail string are Orlando, who had its</p> <p>3 DEA registration suspended, and Houston,</p> <p>4 which DEA had scheduled to suspend its</p> <p>5 DEA registration if we had not come to an</p> <p>6 agreement for the DEA-approved OMP."</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Do you recall discussions</p> <p>10 about the Houston distribution center</p> <p>11 nearly having its registration suspended?</p> <p>12 A. I do not.</p> <p>13 Q. Maybe that would have been</p> <p>14 before your time?</p> <p>15 A. Perhaps it was. I don't</p> <p>16 know the time span.</p> <p>17 Q. Do you have any reason to</p> <p>18 dispute what Mr. Zimmerman is saying</p> <p>19 there?</p> <p>20 A. I do not.</p> <p>21 (Document marked for</p> <p>22 identification as Exhibit</p> <p>23 ABDC-Hazewski-13.)</p> <p>24 BY MR. PIFKO:</p>	<p style="text-align: right;">Page 217</p> <p>1 MS. HELLER-TOIG: Any sense</p> <p>2 how long we're going to go?</p> <p>3 MR. PIFKO: That's what we</p> <p>4 were just discussing. Probably</p> <p>5 not a lot longer. We'll see.</p> <p>6 I want to clarify for the</p> <p>7 record. Bob hates it when I</p> <p>8 accuse him of stuff.</p> <p>9 Exhibit 11, Sterling just</p> <p>10 found that is in Amerisource's</p> <p>11 production. To the extent that</p> <p>12 there was an argument that it</p> <p>13 wasn't produced, we're not making</p> <p>14 an argument.</p> <p>15 MR. CIULLO: Mark, really</p> <p>16 quickly, this is Zach Ciullo</p> <p>17 again. Regarding Exhibit 11, I</p> <p>18 want to be clear, I don't have</p> <p>19 authority to object or not to</p> <p>20 object for Teva.</p> <p>21 Again, that should have been</p> <p>22 reached out to regarding -- you</p> <p>23 should have reached out to Teva</p> <p>24 regarding that document. But</p>

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1 obviously you can ask him because  
2 he was on the document. But I  
3 don't have authority to object or  
4 not to object to Teva. Thank you.

5 MR. PIFKO: Okay.

6 THE WITNESS: I've reviewed.  
7 BY MR. PIFKO:

8 Q. Okay. Do you recall the  
9 discussion reflected in these e-mails?

10 A. I recall the discussions  
11 concerning the complaints from the  
12 Birmingham distribution center.

13 Q. What were they complaining  
14 about?

15 A. The time that it was taking  
16 to reach decisions on whether an order  
17 was suspicious or not.

18 Q. You write on the first page  
19 of this document, in the middle, to Jeff.  
20 You say: "During our most recent call  
21 (me, you, Erica, and Bobby), I agreed to  
22 let your OMP team release orders that  
23 were 10 percent or less over."  
24 Do you see that?

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1 A. I do.

2 Q. Do you recall making that  
3 agreement?

4 A. To the extent that it's in  
5 front of me in writing, I would agree.

6 Q. Okay. Do you have any  
7 reason to dispute that you made that  
8 agreement?

9 A. No.

10 Q. Steve writes to you: "Let's  
11 discuss Monday and then we can set up a  
12 call with Jeff, Erica and his team. I'm  
13 a little concerned that we are setting up  
14 one-off agreements with the Birmingham  
15 distribution center over and above the  
16 basic order monitoring program  
17 requirements."  
18 Do you see that?

19 A. Yes.

20 Q. Do you recall having that  
21 discussion with Steve about that issue?

22 A. Again, to the extent that  
23 it's in the e-mail. I don't have a  
24 specific recollection of the

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1 conversation, no.

2 Q. Okay. Do you have any  
3 reason to dispute that Steve was  
4 concerned that by telling the OMP team at  
5 Birmingham that they could release orders  
6 that were 10 percent or less over, that  
7 that would be setting up one-off  
8 agreements?

9 MR. NICHOLAS: Object to the  
10 form. Go ahead.

11 THE WITNESS: I agree that  
12 he had a concern.

13 BY MR. PIFKO:

14 Q. Do you think that's a  
15 concern?

16 MR. NICHOLAS: Object to the  
17 form.

18 THE WITNESS: I would have  
19 to revisit all of the  
20 circumstances involved. The --  
21 the type of orders that we are  
22 discussing, they're -- whether  
23 they are high risk. There's a lot  
24 of factors, but that would lead me

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1 to say I had a concern or not.

2 BY MR. PIFKO:

3 Q. Do you recall making  
4 agreements with other distribution  
5 centers about allowing them to release  
6 orders that were 10 percent or less over  
7 the threshold?

8 A. No.

9 Q. Are you certain that you  
10 didn't make those agreements or you just  
11 don't recall?

12 A. I'm certain I did not make  
13 those agreements.

14 Q. This is the only one where  
15 you made that kind of an agreement?

16 MR. NICHOLAS: Object to the  
17 form.

18 THE WITNESS: Yes.

19 MR. PIFKO: All right. We  
20 can take a break.

21 THE VIDEOGRAPHER: We are  
22 going off record. The time is  
23 2:28.

24 (Short break.)

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1 THE VIDEOGRAPHER: We are  
2 going back on the record.  
3 Beginning Media File Number 4.  
4 The time is 2:52.  
5 (Document marked for  
6 identification as Exhibit  
7 ABDC-Hazewski-14.)  
8 BY MR. PIFKO:  
9 Q. All right. I'm handing you  
10 what's been marked as Exhibit 14.  
11 Take all the time you want  
12 to review the e-mail. But I was just  
13 going to ask you a question about one of  
14 the paragraphs.  
15 For the record, the  
16 Exhibit 14 is a series of e-mails  
17 Bates-labeled ABD CMDL00279037 through  
18 9039.  
19 All I really wanted to ask  
20 you is, the first page, 279037 refers to  
21 AmerisourceBergen being the target of two  
22 U.S. Attorney grand jury investigations.  
23 I want to ask you some  
24 questions about that. If you want to

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1 turn your attention to that paragraph on  
2 the first page.  
3 A. On the first page, okay.  
4 Q. Yeah.  
5 A. And which paragraph again?  
6 I'm sorry.  
7 Q. Well, you can read that  
8 whole e-mail from Steve Mays dated  
9 June 6th, 2013. You are on the "to"  
10 line. And it says "Jason."  
11 Do you see that part?  
12 A. Yes.  
13 Q. Okay. Tell me when you're  
14 ready.  
15 A. Okay.  
16 MR. NICHOLAS: Before you  
17 ask questions about this topic,  
18 and just so I don't mess you up  
19 more than -- more than necessary,  
20 I'm going to just caution the  
21 witness, if he's going to answer  
22 questions about this, to the  
23 extent that he's answering --  
24 MR. PIFKO: I'll carefully

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1 ask my questions.  
2 MR. NICHOLAS: No, no, no.  
3 Just I want to make sure that he  
4 doesn't answer anything that would  
5 invade the attorney/client  
6 communication and privilege thing.  
7 MR. PIFKO: I understand.  
8 MR. NICHOLAS: So and if  
9 he's going to ask any questions at  
10 all about stuff in this paragraph,  
11 Mr. Hazewski, I just want to make  
12 sure that you do not divulge any  
13 communications with, between,  
14 among, you and counsel. Okay?  
15 THE WITNESS: Understood.  
16 MR. CIULLO: Mark, could you  
17 please read the Bates one more  
18 time for me, please?  
19 MR. PIFKO: Yeah. 0279037  
20 is the first page. Do you need  
21 the rest?  
22 MR. CIULLO: Nope. That's  
23 good. Thank you. It's just  
24 coming through choppy a little bit

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1 on the phone.  
2 MR. PIFKO: 0279037.  
3 BY MR. PIFKO:  
4 Q. I see that you were reading  
5 the second page. You were e-mailing  
6 Jason about discussions with a customer  
7 account manager and discussions about  
8 when the customer can next order the  
9 quantity.  
10 Do you see that?  
11 A. Yes.  
12 Q. What was that about?  
13 A. I don't recall the  
14 discussion specifically. I remember  
15 there being discussions about customer  
16 care personnel being able to field  
17 questions from the customer as it relates  
18 to their ordering, and I believe this was  
19 at the outset of the switch from  
20 calculating things on a monthly basis to  
21 a rolling 30-day.  
22 But beyond that, that's the  
23 best of my recollection.  
24 Q. Who is Jason? His signature



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1 is on here. Operations director,  
 2 AmerisourceBergen Corporation?  
 3 A. Beyond that description,  
 4 that's all I know about Jason.  
 5 Q. Do you remember  
 6 communicating with him other than this  
 7 discussion?  
 8 A. I can't say that I can. No.  
 9 Q. Okay. Then Steve writes  
 10 back to your e-mail, to everybody, and  
 11 says he wants to add a little flavor to  
 12 your response.  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. And then he mentions that  
 16 AmerisourceBergen is the target of at  
 17 least two U.S. Attorney grand jury  
 18 investigations and a defendant in  
 19 multiple state lawsuits related to the  
 20 order monitoring program.  
 21 Do you see that?  
 22 A. Yes, I see that.  
 23 Q. Aside from communications  
 24 with counsel, did you have an

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1 understanding about what the U.S.  
 2 Attorney grand jury investigations were  
 3 about?  
 4 MR. NICHOLAS: Object to the  
 5 form. And same cautionary  
 6 instruction.  
 7 THE WITNESS: No, I know  
 8 nothing beyond those conversations  
 9 with counsel.  
 10 BY MR. PIFKO:  
 11 Q. Okay. Did you -- in the  
 12 context of this, did you discuss the  
 13 grand jury investigations with Jason?  
 14 A. I would have no reason to do  
 15 so, no.  
 16 Q. Okay. Do you understand  
 17 this e-mail to be saying that ABC is the  
 18 target of grand jury investigations  
 19 [REDACTED]  
 20 MR. NICHOLAS: Object to the  
 21 form and foundation.  
 22 THE WITNESS: Again, beyond  
 23 what I've discussed with counsel  
 24 on these matters, I have no other

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1 further information.  
 2 BY MR. PIFKO:  
 3 Q. I'm just asking about what  
 4 this e-mail says.  
 5 A. Okay. Can you point to the  
 6 section that you're referring to?  
 7 Q. It says ABDC -- sorry, "ABC  
 8 is currently the target of at least two  
 9 U.S. Attorney grand jury investigations  
 10 and a defendant in multiple state  
 11 lawsuits related to our order monitoring  
 12 program."  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. "The CSRA OMP team must be  
 16 completely focused on monitoring customer  
 17 activity and conducting investigations  
 18 related to OMP activity."  
 19 Do you see that?  
 20 A. Yes.  
 21 Q. "The last thing we would  
 22 want to happen would be for ABDC to have  
 23 a DEA registration suspended or for the  
 24 company to have to pay a significant

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1 civil settlement because our OMP  
 2 associates were spending their time  
 3 handling customer inquiries instead of  
 4 monitoring controlled substance  
 5 activity."  
 6 Do you see that?  
 7 A. Yes.  
 8 Q. Do you remember that being a  
 9 concern, that OMP associates were  
 10 spending more time handling customer  
 11 inquiries rather than monitoring  
 12 controlled substance activity?  
 13 A. Beyond this e-mail, it was  
 14 never communicated to me that there was a  
 15 concern.  
 16 Q. Okay. Do you agree that's  
 17 what he's saying in this e-mail, that  
 18 that was a concern?  
 19 MR. NICHOLAS: Object to the  
 20 form, as to what he's saying.  
 21 THE WITNESS: No, I don't  
 22 agree that it was a concern. I  
 23 believe myself and my team were  
 24 focused on what our tasks were and

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1 not spending time on issues that  
 2 were of lesser consequence to us.  
 3 BY MR. PIFKO:  
 4 Q. Did you have any further  
 5 discussions about the issues reflected  
 6 here outside of counsel?  
 7 A. No, I have not.  
 8 Q. Outside of discussions with  
 9 counsel, do you know what the outcome of  
 10 these grand jury investigations were?  
 11 A. I do not know.  
 12 Q. Do you have any reason to  
 13 dispute the accuracy of what's said in  
 14 these statements?  
 15 MR. NICHOLAS: Well, I'll  
 16 object to the form of the question  
 17 and the foundation. No  
 18 foundation. Object to the form.  
 19 THE WITNESS: No, I don't.  
 20 BY MR. PIFKO:  
 21 Q. I'm handing you a document  
 22 that's previously marked as Exhibit 9 to  
 23 Chris Zimmerman's deposition. Have you  
 24 seen this document before?

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1 MR. NICHOLAS: Give him a  
 2 minute.  
 3 MR. PIFKO: For the record,  
 4 it's Bates labeled  
 5 ABD CMDL00273425.  
 6 THE WITNESS: No, it doesn't  
 7 look familiar to me.  
 8 BY MR. PIFKO:  
 9 Q. It's a lengthy document, and  
 10 of course you're permitted to look at it  
 11 as much as you need to. I just had a  
 12 quick question on Page 12.  
 13 There's a mention about Ed  
 14 and from the context it appears it's you.  
 15 I apologize if you feel that I'm prying  
 16 into something personal, but I -- it's  
 17 your deposition and I need to know what  
 18 they are discussing here.  
 19 So if you look in the bottom  
 20 of the first full paragraph there. It  
 21 says in red brackets, "Would note that Ed  
 22 has moved to a nondiversion control role  
 23 and who has taken over his job -  
 24 highlighting that Ed has moved on may

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1 help take away" -- "take any remaining  
 2 pressure off of them doing something  
 3 about Ed."  
 4 Do you see that?  
 5 A. I do.  
 6 Q. Were you involved with  
 7 discussions with leadership at the  
 8 company over some concerns about your  
 9 performance?  
 10 A. No.  
 11 Q. Do you know what this is  
 12 about?  
 13 A. Well, I know it's about me  
 14 moving from my role in the diversion  
 15 control unit to another assignment.  
 16 Q. Do you know why they moved  
 17 you out of the diversion control unit?  
 18 A. It was at my request.  
 19 Q. And why was that?  
 20 A. I just felt like I needed a  
 21 break from the duties I had been doing  
 22 for a number of years and needed a change  
 23 of scenery, if you will.  
 24 Q. It was a stressful job?

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1 A. It had its moments.  
 2 Q. You just wanted something  
 3 that wasn't so much a risk?  
 4 MR. NICHOLAS: Object to the  
 5 form.  
 6 THE WITNESS: Again, yeah, I  
 7 had just had enough of the -- the  
 8 same tasks and I just felt I  
 9 needed a change.  
 10 BY MR. PIFKO:  
 11 Q. Do you have any sense about  
 12 what is being mentioned here when it says  
 13 pressure and it's talking about doing  
 14 something about Ed?  
 15 MR. NICHOLAS: Object to the  
 16 form. Lack of foundation.  
 17 THE WITNESS: I don't know  
 18 what that's referring to, no.  
 19 BY MR. PIFKO:  
 20 Q. Did the company grant your  
 21 request to -- to change positions?  
 22 A. Yes, they did.  
 23 Q. Okay. Did you feel that you  
 24 had enough resources to do your job

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1 before you moved out of the diversion  
2 control function?  
3 A. I did feel we had enough  
4 resources.  
5 Q. Did you feel that you had  
6 adequate support from the management to  
7 do your job?  
8 A. Definitely had support of  
9 the management, yes.  
10 Q. Did you ever complain to  
11 anyone, aside from making a request to  
12 move out of that position?  
13 A. Complained to anyone, no. I  
14 had -- it wasn't a matter of complaint.  
15 As I said, it was just a matter of change  
16 of scenery.  
17 Q. Who did you make that  
18 request to?  
19 A. I believe I discussed it  
20 with David May who would have been on  
21 board at that point.  
22 Q. Did -- did David May  
23 essentially take over the role that you  
24 had been in?

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1 A. In addition to other roles,  
2 but yes.  
3 Q. When you say in addition to  
4 other roles, you mean he had other roles  
5 in addition to what you were doing?  
6 A. Yes.  
7 (Document marked for  
8 identification as Exhibit  
9 ABDC-Hazewski-15.)  
10 (Document marked for  
11 identification as Exhibit  
12 ABDC-Hazewski-16.)  
13 BY MR. PIFKO:  
14 Q. I'm handing you what I've  
15 marked as Exhibits 15 and 16.  
16 For the record, 15 is a  
17 one-page e-mail attaching Exhibit 16.  
18 It's -- 15 is Bates labeled  
19 ABDCMDL00279103, and 16 is  
20 ABDCMDL00279104 through 106 -- or through  
21 107.  
22 Let me know when you're  
23 ready to discuss these.  
24 A. I've reviewed the document.

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1 Q. Okay. Do you remember the  
2 discussion reflected here?  
3 A. I do not.  
4 Q. Exhibit 15 has an e-mail  
5 from you, dated November 8, 2013, to  
6 Steve Mays. It says: "This is the  
7 document I put together this week."  
8 Then Steve forwards it to  
9 Chris Zimmerman and copies you. And  
10 says, "Chris, here is Ed's other list  
11 that you asked for last week."  
12 Do you see that?  
13 A. I do.  
14 Q. Okay. And it attaches a  
15 document called Diversion Control  
16 Program, a Word document. Do you see  
17 that?  
18 A. Yes.  
19 Q. Okay. Do you know what this  
20 diversion control program document is?  
21 A. It appears to be an  
22 explanation of the day-to-day functions  
23 of someone assigned to the diversion  
24 control team.

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1 Q. Do you recall putting this  
2 document together?  
3 A. I do not recall putting it  
4 together.  
5 Q. The discussion about the  
6 diversion control program here, do you  
7 believe this is -- accurately describes  
8 attributes of the program as of that  
9 date?  
10 A. Yes.  
11 Q. It says on the first page of  
12 Exhibit 16, "Diversion control" -- at the  
13 top -- "control specialists review on  
14 average 100 order lines daily each."  
15 Do you see that?  
16 A. I do.  
17 Q. "Based on October 2013  
18 data."  
19 Do you see that?  
20 A. Yes.  
21 Q. Okay. Is that consistent  
22 with your understanding of the volume  
23 that a diversion control specialist would  
24 review everyday at that time?

<p style="text-align: right;">Page 238</p> <p>1 MR. NICHOLAS: Object to the</p> <p>2 form.</p> <p>3 THE WITNESS: I would have</p> <p>4 researched that number prior to</p> <p>5 putting it on a document. So I</p> <p>6 would say it's accurate.</p> <p>7 BY MR. PIFKO:</p> <p>8 Q. Do you have any sense about</p> <p>9 how many lines, order lines people</p> <p>10 reviewed in years prior to that?</p> <p>11 A. Not off the top of my head,</p> <p>12 no.</p> <p>13 Q. Do you remember it going up</p> <p>14 or down over the years?</p> <p>15 A. In my recollection it was</p> <p>16 fairly constant.</p> <p>17 Q. Okay. So you would</p> <p>18 generally agree that it was around that</p> <p>19 number over the time period when you were</p> <p>20 in charge of the diversion control</p> <p>21 function?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form, and foundation.</p> <p>24 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 240</p> <p>1 researched before a final</p> <p>2 determination -- determination was</p> <p>3 made on an order.</p> <p>4 BY MR. PIFKO:</p> <p>5 Q. So it's the company's policy</p> <p>6 that that was one of the things that they</p> <p>7 were supposed to do when reviewing an</p> <p>8 order?</p> <p>9 A. Yes.</p> <p>10 Q. I want to go to Item 6,</p> <p>11 which is a few pages in on</p> <p>12 ABDCMDL00279106. "Prescriber big report."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Do you know what that is?</p> <p>16 A. My recollection it was a</p> <p>17 listing of prescribing physicians that</p> <p>18 may have displayed a disciplinary record</p> <p>19 during the course of a due diligence</p> <p>20 investigation.</p> <p>21 Q. Let's go over some elements</p> <p>22 of it. First of all, you agree that,</p> <p>23 looking at the document, that these are</p> <p>24 accurate descriptions of the company's</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. PIFKO:</p> <p>2 Q. The third bullet point says,</p> <p>3 "Verify that a current (within the last</p> <p>4 three years) CSRA Form 590 has been</p> <p>5 completed and is on file."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. What does that mean?</p> <p>9 A. Well, it means that we are</p> <p>10 to verify that within the last three</p> <p>11 years, a due diligence investigation had</p> <p>12 been completed or the Form 590 which</p> <p>13 is -- furthers that investigation on that</p> <p>14 customer.</p> <p>15 Q. For what -- in what context</p> <p>16 were you doing this verification?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: Well, the</p> <p>20 reference is that -- the order</p> <p>21 review process.</p> <p>22 So during the course of</p> <p>23 reviewing an order, that's one of</p> <p>24 the facets that would be</p>	<p style="text-align: right;">Page 241</p> <p>1 process and the prescriber big report?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form. Foundation.</p> <p>4 THE WITNESS: Can I have a</p> <p>5 minute to review it again?</p> <p>6 BY MR. PIFKO:</p> <p>7 Q. Yeah, of course.</p> <p>8 A. I've reviewed it.</p> <p>9 Q. Okay. Did you, as a person</p> <p>10 who is running the diversion control</p> <p>11 program, did you have involvement in</p> <p>12 developing the prescriber big report?</p> <p>13 A. I was aware that it was</p> <p>14 being put together. I wouldn't say I was</p> <p>15 involved in the making of the report.</p> <p>16 Joe Tomkiewicz was given that task.</p> <p>17 Q. Did you, on occasion, review</p> <p>18 the report?</p> <p>19 A. Yes, we routinely reviewed</p> <p>20 all of the reports that we generated.</p> <p>21 Q. Do you know when it was</p> <p>22 developed and implemented?</p> <p>23 A. I do not.</p> <p>24 Q. It says -- the third bullet</p>

<p style="text-align: right;">Page 242</p> <p>1 point, "As part of our due diligence 2 process, we routinely request 3 de-identified prescribing data from our 4 pharmacy customers." 5 Do you see that? 6 A. Yes. 7 Q. True statement? 8 MR. NICHOLAS: Object to the 9 form and foundation. 10 THE WITNESS: I'm sorry. 11 What bullet was that again? 12 BY MR. PIFKO: 13 Q. Third bullet point. "As 14 part of our" -- 15 A. Oh, okay. I don't know that 16 I would have used the word "routinely." 17 But it occurred, yes, that we would 18 request such information. 19 Q. During your due diligence 20 process? 21 A. Yes. 22 Q. That's for the reasons that 23 we previously discussed? 24 MR. NICHOLAS: Object to the</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. Where would you keep that 2 information when you received it? 3 A. The de-identified data? 4 Q. Yeah. 5 A. In the file. 6 Q. In the due diligence file? 7 A. Due diligence file. 8 Q. For the customer? 9 A. Correct. 10 Q. Are those maintained -- at 11 that time, were they maintained in 12 hardcopy or electronically? Do you know? 13 A. I don't -- no, I don't know. 14 Q. At any time, do you know how 15 they are maintained? 16 MR. NICHOLAS: Object to the 17 form. 18 THE WITNESS: The same forms 19 we're talking about? 20 BY MR. PIFKO: 21 Q. The due diligence files. 22 A. There was a time when we 23 switched from paper copies to electronic, 24 but I couldn't tell you the date of when</p>
<p style="text-align: right;">Page 243</p> <p>1 form. It's been a long day. 2 THE WITNESS: Yes. 3 BY MR. PIFKO: 4 Q. Do you recall discussing 5 that before? 6 MR. NICHOLAS: Object to the 7 form. 8 THE WITNESS: I recall 9 discussing it in the context of 10 when we were looking at controlled 11 substance cocktails, three 12 products dispensed together, other 13 indicators of that sort. 14 BY MR. PIFKO: 15 Q. Well, let's just clarify. 16 Why would you request de-identified 17 prescribing data from your pharmacy 18 customers in connection with your due 19 diligence process? 20 A. If their ordering quantities 21 were, you know, significant, we wanted to 22 make certain that the products they were 23 dispensing were being done so in a 24 legitimate manner.</p>	<p style="text-align: right;">Page 245</p> <p>1 that occurred. 2 Q. Okay. Was that fairly 3 recently or a long time ago? 4 A. A long time ago. 5 Q. A long time ago you switched 6 to electronic? 7 A. Yes. 8 Q. Okay. Two more bullet 9 points down, "The analysis identifies 10 prescribers that are writing 11 prescriptions of a questionable nature, 12 e.g., drug cocktails, IR narcotics minus 13 a long-acting opioid, and a high volume 14 of the same prescription for every 15 patient." 16 Do you see that? 17 A. Yes, I do. 18 Q. What does that mean? 19 MR. NICHOLAS: Object to the 20 form. Foundation. 21 THE WITNESS: What it means 22 is the analysis of the 23 de-identified data includes 24 looking for those particular</p>



<p style="text-align: right;">Page 246</p> <p>1 points that you just read off.</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. And why would you look at</p> <p>4 those?</p> <p>5 MR. NICHOLAS: Object to the</p> <p>6 form. Object to the foundation.</p> <p>7 THE WITNESS: We would look</p> <p>8 at those, again, triggered by what</p> <p>9 might perhaps be ordering that</p> <p>10 causes us concern, or just again,</p> <p>11 to verify that the products are</p> <p>12 being dispensed in a legitimate</p> <p>13 fashion for legitimate medical</p> <p>14 purpose.</p> <p>15 BY MR. PIFKO:</p> <p>16 Q. "The analysis may also</p> <p>17 identify unnamed patients that are doctor</p> <p>18 shopping in addition to patients</p> <p>19 traveling considerable distance to fill a</p> <p>20 prescription."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. That's a true statement</p> <p>24 about the analysis?</p>	<p style="text-align: right;">Page 248</p> <p>1 by the pharmacy in a legitimate</p> <p>2 manner.</p> <p>3 BY MR. PIFKO:</p> <p>4 Q. Patients traveling</p> <p>5 considerable distance to fill a</p> <p>6 prescription, why is that a factor that</p> <p>7 you would look at?</p> <p>8 MR. NICHOLAS: Same</p> <p>9 objections. Form, foundation,</p> <p>10 context.</p> <p>11 THE WITNESS: Well as we</p> <p>12 discussed earlier. It's -- it's a</p> <p>13 potential red flag.</p> <p>14 BY MR. PIFKO:</p> <p>15 Q. For diversion?</p> <p>16 A. For potential diversion.</p> <p>17 Q. Let's look at Item Number 7,</p> <p>18 projects. What's the low volume account</p> <p>19 project?</p> <p>20 A. We routinely reviewed, as I</p> <p>21 said a few minutes ago, reports that</p> <p>22 would generate. One was a report which</p> <p>23 indicated percentage of controls versus</p> <p>24 noncontrols. We were trying to isolate</p>
<p style="text-align: right;">Page 247</p> <p>1 MR. NICHOLAS: Object to the</p> <p>2 form. Object to the foundation.</p> <p>3 THE WITNESS: It's a</p> <p>4 component of the analysis, yes.</p> <p>5 BY MR. PIFKO:</p> <p>6 Q. People who are conducting</p> <p>7 this analysis were under your management?</p> <p>8 A. Yes.</p> <p>9 Q. Why would they be conducting</p> <p>10 that type of analysis?</p> <p>11 A. As part of the due diligence</p> <p>12 process.</p> <p>13 Q. Why would they be looking at</p> <p>14 whether a patient is doctor shopping?</p> <p>15 MR. NICHOLAS: Object to the</p> <p>16 form. Object to the foundation.</p> <p>17 Lack of context.</p> <p>18 Go ahead.</p> <p>19 THE WITNESS: We want to</p> <p>20 make certain the products that</p> <p>21 we're dispensing -- or</p> <p>22 distributing to our pharmacy</p> <p>23 customers, once it leaves our</p> <p>24 purview, that it's being dispensed</p>	<p style="text-align: right;">Page 249</p> <p>1 in the low volume project accounts that</p> <p>2 were purchasing little -- little product,</p> <p>3 and the product that they were was high</p> <p>4 risk controlled substances. And it was a</p> <p>5 pattern that we wanted to try to</p> <p>6 eliminate.</p> <p>7 Q. Why did you want to try to</p> <p>8 eliminate that?</p> <p>9 A. We didn't want to be</p> <p>10 sourcing high risk controls to the</p> <p>11 exclusion of all of the other maintenance</p> <p>12 products that go along with it.</p> <p>13 Q. And why is that?</p> <p>14 A. We're not -- we're in the</p> <p>15 business of being a primary wholesaler.</p> <p>16 That business was not capturing what we</p> <p>17 considered to be data that would indicate</p> <p>18 them as a primary customer.</p> <p>19 Q. When you talk about primary</p> <p>20 and secondary, you mean that there's the</p> <p>21 potential for that customer buying other</p> <p>22 materials from another distributor and</p> <p>23 then buying controls from you?</p> <p>24 MR. NICHOLAS: Object to the</p>

<p style="text-align: right;">Page 250</p> <p>1 form.</p> <p>2 But go ahead.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. PIFKO:</p> <p>5 Q. And that's not a practice</p> <p>6 that you want to occur?</p> <p>7 A. Correct.</p> <p>8 Q. Third bullet point, "IMS</p> <p>9 data pilot."</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. Do you know what that's</p> <p>13 about?</p> <p>14 A. I have little experience</p> <p>15 with IMS data. But it's -- I don't know</p> <p>16 how it would be explained in terms of how</p> <p>17 the data is stored. But it was</p> <p>18 information that was not available unless</p> <p>19 you subscribed to purchasing IMS data,</p> <p>20 and it could provide information that</p> <p>21 wasn't readily available on other</p> <p>22 sources.</p> <p>23 Q. At some point, did</p> <p>24 AmerisourceBergen subscribe to purchase</p>	<p style="text-align: right;">Page 252</p> <p>1 been a component of our diversion</p> <p>2 control program.</p> <p>3 BY MR. PIFKO:</p> <p>4 Q. The last bullet point on</p> <p>5 that Item Number 7, "Participation in</p> <p>6 industry working group."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. What's that about?</p> <p>10 A. I'd have to know what</p> <p>11 specifically -- what specific industry</p> <p>12 working group they are referring to. I</p> <p>13 mean, we participated in several and took</p> <p>14 advantage of chances to join other groups</p> <p>15 as well.</p> <p>16 Q. To be clear, when you say</p> <p>17 they are referring to, this is, according</p> <p>18 to the document, your -- your document.</p> <p>19 A. Okay. Yes.</p> <p>20 Q. Do you agree?</p> <p>21 A. That it's a document that I</p> <p>22 put together?</p> <p>23 Q. Yeah.</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 251</p> <p>1 IMS data?</p> <p>2 A. My recollection is we did a</p> <p>3 pilot project. I don't know if we ever</p> <p>4 purchased the service.</p> <p>5 Q. What did you intend to use</p> <p>6 that data for? Do you know?</p> <p>7 MR. NICHOLAS: Object to the</p> <p>8 form.</p> <p>9 THE WITNESS: Specifically I</p> <p>10 don't know.</p> <p>11 BY MR. PIFKO:</p> <p>12 Q. Some aspect of monitoring</p> <p>13 diversion?</p> <p>14 MR. NICHOLAS: Object to the</p> <p>15 form.</p> <p>16 THE WITNESS: Some aspect of</p> <p>17 monitoring information not</p> <p>18 available through other sources.</p> <p>19 BY MR. PIFKO:</p> <p>20 Q. For purposes of your</p> <p>21 diversion control function?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: It would have</p>	<p style="text-align: right;">Page 253</p> <p>1 Q. Okay. Are you familiar with</p> <p>2 a New Jersey anti-diversion group?</p> <p>3 A. Yeah. I believe it's the</p> <p>4 same group that I referenced earlier in</p> <p>5 the deposition.</p> <p>6 Q. Okay. And that was with the</p> <p>7 manufacturers?</p> <p>8 A. Yes. That's the group I was</p> <p>9 referring to.</p> <p>10 Q. How about the Healthcare</p> <p>11 Distribution Alliance industry working</p> <p>12 group?</p> <p>13 A. I didn't participate in</p> <p>14 meetings of that group.</p> <p>15 Q. Okay. Did you ever</p> <p>16 participate in an HDA meeting?</p> <p>17 A. HDA meeting? I believe I</p> <p>18 attended some seminars sponsored by the</p> <p>19 HDMA at the time.</p> <p>20 Q. Did you ever serve as a</p> <p>21 committee member on any of their</p> <p>22 committees?</p> <p>23 A. No.</p> <p>24 Q. Did you participate in an</p>

<p style="text-align: right;">Page 254</p> <p>1 industry working group with Mallinckrodt 2 concerning anti-diversion issues? 3 A. For a period of time, I did, 4 yes. 5 Q. What was that group? 6 A. That was a group organized 7 by Mallinckrodt of other -- well, I don't 8 recall if there were other manufacturers. 9 But representatives of other wholesale 10 distributors, to, again, just discuss 11 issues common to all of the participants, 12 brainstorm ways of trying to effectively 13 communicate with the government on these 14 issues and hopefully get them to 15 participate in helping at the -- that 16 level to work on again issues of mutual 17 concern. 18 Q. And when you say issues, do 19 you mean diversion control-related 20 issues? 21 MR. NICHOLAS: Object to the 22 form. 23 THE WITNESS: I wouldn't 24 limit it to that, no. But that</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Any other distributors that 2 you can think of? 3 A. No, I can't. 4 (Document marked for 5 identification as Exhibit 6 ABDC-Hazewski-17.) 7 BY MR. PIFKO: 8 Q. I've handed you what's 9 marked as Exhibit 17. For the record, 10 it's a one-page document Bates labeled 11 ABDCMDL00145881. It's essentially just 12 two e-mails between William Crawford of 13 the United States Department of Justice 14 and Eric Cherveny, Katherine Chaney. And 15 then it's forwarded from Eric Cherveny to 16 the witness on July 9, 2013. 17 Let me know when you're 18 ready to discuss this. 19 A. I'm ready. 20 Q. Do you recall this 21 discussion? 22 A. Not specifically. I recall 23 discussions of this sort. 24 Q. Okay. When you say</p>
<p style="text-align: right;">Page 255</p> <p>1 was certainly discussed. 2 BY MR. PIFKO: 3 Q. What else did it include? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: I -- I can't 7 think of an example, other than 8 what I've testified to. 9 BY MR. PIFKO: 10 Q. Okay. But you know 11 diversion control was among the issues 12 discussed? 13 A. It was. 14 Q. Do you remember who else was 15 a member of that group besides 16 Mallinckrodt? You said other 17 distributors. How about -- I'll make it 18 easy. How about Cardinal Health? 19 A. I believe so, yes. 20 Q. How about McKesson? 21 MS. MONAGHAN: Objection to 22 form. 23 THE WITNESS: I believe so. 24 BY MR. PIFKO:</p>	<p style="text-align: right;">Page 257</p> <p>1 discussions of this sort, what do you 2 mean? 3 A. During the course of a DEA 4 audit at one of our distribution centers 5 they would routinely ask the person 6 assisting with the audit to provide due 7 diligence files on certain customers of 8 their choosing. Those requests were 9 usually passed on to myself or a member 10 of my team to research, copy the files, 11 and return them to the diversion 12 investigator on -- on site at the 13 distribution center. 14 Q. Do you know who William 15 Crawford is? 16 A. I do not. 17 Q. Do you believe he is a DEA 18 agent based on the context? 19 MR. NICHOLAS: Object to the 20 form. 21 THE WITNESS: Yes. 22 BY MR. PIFKO: 23 Q. How about Katherine Chaney? 24 A. I know the name, because I</p>

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1 believe I've met her before. But beyond  
2 that, no.

3 Q. Okay. Do you know anything  
4 about any of the customers that are  
5 listed here? Have you heard of these  
6 customers before?

7 A. Some of the names are  
8 familiar. I can't put them in any  
9 context, but I've heard their names  
10 before.

11 Q. All right. Let's discuss  
12 some of the ones in Ohio.

13 Church Square Pharmacy,  
14 Cleveland, Ohio. Do you see that?

15 A. Yes.

16 Q. First question. Are you  
17 able to tell, based on this list of  
18 customers, that this would concern any  
19 specific distribution center?

20 MR. NICHOLAS: Object to the  
21 form.

22 THE WITNESS: Not from --  
23 not from this e-mail, I couldn't,  
24 no.

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1 might consider bringing Joe with us for  
2 this."

3 Do you see that?

4 A. I do see that, yes.

5 Q. If -- in the context of the  
6 audits you're talking about, would there  
7 be in-person meetings?

8 A. There would be in-person  
9 meetings with the staff of the  
10 distribution center.

11 Q. Would you participate in  
12 those meetings?

13 A. No, I would not.

14 Q. Do you have any  
15 understanding why -- why Eric is saying  
16 to you, "We might consider bringing Joe  
17 with us for this," suggesting that you're  
18 going to attend some meeting?

19 MR. NICHOLAS: Object to the  
20 form.

21 THE WITNESS: Now I didn't  
22 understand what his -- why the  
23 request for Joe.

24 BY MR. PIFKO:

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1 BY MR. PIFKO:

2 Q. All right. Have ever heard  
3 of Church Square Pharmacy in Cleveland,  
4 Ohio?

5 A. No, I have not.

6 Q. Do you have any reason to  
7 believe that there would be cause for  
8 concern that the Department of Justice  
9 would want to examine files about that  
10 pharmacy?

11 A. I have no knowledge of why  
12 they would request a file for that  
13 customer.

14 Q. How about Clark Low Cost  
15 Pharmacy?

16 A. I'm not familiar with that  
17 customer.

18 Q. How about Edward's Drugs?

19 A. Not familiar with that  
20 customer.

21 Q. Family Medical Pharmacy?

22 A. Not familiar with that  
23 customer.

24 Q. At the top, Eric says, "We

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1 Q. Do you believe that you  
2 attended a meeting where Mr. Crawford  
3 from -- on behalf of the United States  
4 Department of Justice was there?

5 A. I don't recall such a  
6 meeting, no.

7 MR. PIFKO: We'll take a  
8 break, and then I think we'll be  
9 close to concluding.

10 THE VIDEOGRAPHER: Going off  
11 the record. The time is 3:35.

12 (Short break.)

13 THE VIDEOGRAPHER: Going  
14 back on the record. Beginning  
15 Media File Number 5. The time is  
16 3:47.

17 (Document marked for  
18 identification as Exhibit  
19 ABDC-Hazewski-18.)

20 (Document marked for  
21 identification as Exhibit  
22 ABDC-Hazewski-19.)

23 (Document marked for  
24 identification as Exhibit

<p style="text-align: right;">Page 262</p> <p>1 ABDC-Hazewski-20.)</p> <p>2 BY MR. PIFKO:</p> <p>3 Q. I'm going to hand you</p> <p>4 documents that are marked 18, 19, and 20.</p> <p>5 Let the record reflect the</p> <p>6 witness is reviewing the documents.</p> <p>7 For the record, the</p> <p>8 documents -- Exhibit 18 is a one-page</p> <p>9 document Bates-labeled ABDCMDL00266845.</p> <p>10 19 is a document attached to</p> <p>11 that, Bates-labeled ABDCMDL00266846, and</p> <p>12 it ends 266859.</p> <p>13 And then Exhibit 20 is</p> <p>14 another document that's attached to</p> <p>15 Exhibit 18, which is ABDCMDL00266860 and</p> <p>16 61.</p> <p>17 For the record, Exhibit 18</p> <p>18 is a meeting request attaching the other</p> <p>19 two exhibits, dated September 2012 --</p> <p>20 September 17, 2012. And it's</p> <p>21 notification, Upcoming OMP Changes.</p> <p>22 Do you recall discussing OMP</p> <p>23 changes in the end of 2012?</p> <p>24 A. I was involved in</p>	<p style="text-align: right;">Page 264</p> <p>1 the rollout of the updated OMP?</p> <p>2 A. I do not have any</p> <p>3 recollection of my concerns.</p> <p>4 Q. If you go to Exhibit 20.</p> <p>5 Some additional discussion about the</p> <p>6 meeting. Who is Maureen Story?</p> <p>7 A. I don't know what her</p> <p>8 position is, I believe she is a vice</p> <p>9 president of something. But she worked</p> <p>10 with -- I believe in helping to put</p> <p>11 together customer facing documents and</p> <p>12 talking points concerning the changes to</p> <p>13 the OMP.</p> <p>14 Q. On the last page of</p> <p>15 Exhibit 20, Maureen writes to Chris</p> <p>16 Zimmerman, she says: "We want to be sure</p> <p>17 that either you or Steve are there since</p> <p>18 we will need guidance around what we</p> <p>19 can/cannot say to the customers."</p> <p>20 Do you see that?</p> <p>21 A. It's on the front page of</p> <p>22 that document?</p> <p>23 Q. On the last page at the top.</p> <p>24 A. Oh. Yes, I see that.</p>
<p style="text-align: right;">Page 263</p> <p>1 discussions concerning changes to OMP,</p> <p>2 yes.</p> <p>3 Q. That was when the company</p> <p>4 moved to the SAP, SAP system?</p> <p>5 A. I believe that's correct.</p> <p>6 Q. Exhibit 18 in the middle</p> <p>7 there, it talks about a proactive plan</p> <p>8 communicating to the sales team. Is this</p> <p>9 talking about communicating the rollout</p> <p>10 of this new program to the sales team?</p> <p>11 A. Correct.</p> <p>12 Q. It says, "Based on the</p> <p>13 concern expressed by Ed H., we will forgo</p> <p>14 any documentation updates until we have</p> <p>15 this call. I have attached the PDF that</p> <p>16 we developed back in January."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Do you recall what your</p> <p>20 concerns were that discussed in this</p> <p>21 meeting?</p> <p>22 A. I do not.</p> <p>23 Q. Do you recall having</p> <p>24 concerns about the communications about</p>	<p style="text-align: right;">Page 265</p> <p>1 Q. Okay. Does this refresh</p> <p>2 your recollection about having</p> <p>3 discussions about what you could or</p> <p>4 couldn't say about the new program to</p> <p>5 customers?</p> <p>6 A. I think the concern was of</p> <p>7 Maureen, and not us.</p> <p>8 Q. Well, we --</p> <p>9 A. She wanted to be -- just be</p> <p>10 careful in terms of what could be said</p> <p>11 and not said.</p> <p>12 Q. You write at the top of</p> <p>13 Exhibit 20, "Maureen, need to discuss. I</p> <p>14 will be out of the office tomorrow, but</p> <p>15 back in on Monday."</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. On September 13, 2012.</p> <p>19 Do you remember discussing</p> <p>20 any of this with her?</p> <p>21 A. No, I don't.</p> <p>22 Q. Do you remember giving her</p> <p>23 feedback about what could be said to</p> <p>24 customers?</p>



<p style="text-align: right;">Page 266</p> <p>1 A. I do not.</p> <p>2 Q. If you turn to Exhibit 19,</p> <p>3 Page 5, which is ABDCMDL 266850. Let me</p> <p>4 know when you're there.</p> <p>5 A. I'm there.</p> <p>6 Q. Okay. So among other</p> <p>7 things, Exhibit 19 is talking about</p> <p>8 attributes of the new program. And it</p> <p>9 has frequently asked questions on here.</p> <p>10 Do you agree?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Item 2 on Page 5 here</p> <p>13 says that before the SAP system -- well,</p> <p>14 first of all, okay.</p> <p>15 Is it correct that in</p> <p>16 AmerisourceBergen's system, you can have</p> <p>17 multiple accounts with the same DEA</p> <p>18 registration number? If you look at</p> <p>19 Item 2 here.</p> <p>20 A. In the system at the time,</p> <p>21 you're referring to?</p> <p>22 Q. Yeah.</p> <p>23 A. You could have multiple</p> <p>24 accounts that had one DEA registration,</p>	<p style="text-align: right;">Page 268</p> <p>1 Q. Did you ever discuss that</p> <p>2 aspect of the change with anyone?</p> <p>3 A. I don't recall personally</p> <p>4 discussing it with anyone, no.</p> <p>5 Q. Do you believe there were</p> <p>6 any concerns about having multiple</p> <p>7 accounts with the same DEA registration</p> <p>8 that each had their own threshold?</p> <p>9 MR. NICHOLAS: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: No, I had no</p> <p>12 concerns.</p> <p>13 BY MR. PIFKO:</p> <p>14 Q. Do you believe that the</p> <p>15 review process conducted by distribution</p> <p>16 center associates of an order flagged for</p> <p>17 review was arbitrary at times?</p> <p>18 MR. NICHOLAS: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: I don't</p> <p>21 understand what you mean by</p> <p>22 arbitrary sometimes.</p> <p>23 BY MR. PIFKO:</p> <p>24 Q. That there wasn't a clear</p>
<p style="text-align: right;">Page 267</p> <p>1 yes.</p> <p>2 Q. And it says, "Under the</p> <p>3 pre-SAP system, every account would have</p> <p>4 their own threshold." Agree? True</p> <p>5 statement?</p> <p>6 MR. NICHOLAS: Object to the</p> <p>7 form. True statement that that's</p> <p>8 what it says?</p> <p>9 BY MR. PIFKO:</p> <p>10 Q. That's an accurate statement</p> <p>11 about the pre-SAP system.</p> <p>12 A. Each account number had</p> <p>13 their own threshold, correct.</p> <p>14 Q. And after the SAP system was</p> <p>15 implemented, thresholds were then based</p> <p>16 on a -- you'd have one threshold for</p> <p>17 every registration number. Is that</p> <p>18 correct?</p> <p>19 A. For every DEA registration,</p> <p>20 correct.</p> <p>21 Q. Why was that change made, do</p> <p>22 you know?</p> <p>23 A. I don't know the specific</p> <p>24 rationale behind it, no.</p>	<p style="text-align: right;">Page 269</p> <p>1 directive about what distribution center</p> <p>2 associates were supposed to do when</p> <p>3 making a decision about whether to fill</p> <p>4 or reject or send an order up to further</p> <p>5 review?</p> <p>6 A. No. I believe they had</p> <p>7 adequate training and performed their</p> <p>8 tasks as best as possible.</p> <p>9 Q. Well, let's go to Page 7,</p> <p>10 ABDCMDL00266852.</p> <p>11 Do you see there's a -- top</p> <p>12 third of the page -- section that says</p> <p>13 "Bottom Line"?</p> <p>14 A. Yes.</p> <p>15 Q. It says, "Historically, each</p> <p>16 distribution center had the ability to</p> <p>17 review held orders and apply their best</p> <p>18 judgment in releasing individual orders.</p> <p>19 Most sales associates have had accounts</p> <p>20 exceed their thresholds at some point;</p> <p>21 however, the distribution center had the</p> <p>22 ability to 'make the call' after</p> <p>23 conducting their review which led</p> <p>24 customer" -- "led to customers receiving</p>

<p style="text-align: right;">Page 270</p> <p>1 their orders."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. "As we deploy SAP to our</p> <p>5 distribution centers, the order</p> <p>6 monitoring program management process</p> <p>7 becomes more systemic and less arbitrary.</p> <p>8 This is by design."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you agree that prior to</p> <p>12 implementing the SAP system there was a</p> <p>13 degree of arbitrariness with respect to</p> <p>14 each distribution center associate's</p> <p>15 decisionmaking process for releasing an</p> <p>16 order?</p> <p>17 MR. NICHOLAS: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: No, I don't</p> <p>20 agree and I don't think that</p> <p>21 statement is suggesting that the</p> <p>22 pre-SAP system was in any way</p> <p>23 inadequate.</p> <p>24 BY MR. PIFKO:</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. And they were supposed to</p> <p>2 put notes in when they would make a</p> <p>3 decision about whether to release an</p> <p>4 order that was over threshold?</p> <p>5 A. They would be -- they were</p> <p>6 expected to enter notes as to the final</p> <p>7 disposition of the order.</p> <p>8 Q. Where would those notes be</p> <p>9 maintained?</p> <p>10 MR. NICHOLAS: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: Within the</p> <p>13 computer system that we're</p> <p>14 referring to.</p> <p>15 MR. PIFKO: All right. I</p> <p>16 don't have any further questions,</p> <p>17 unless your counsel has some</p> <p>18 direct examination of you.</p> <p>19 MR. NICHOLAS: I have no</p> <p>20 questions.</p> <p>21 THE VIDEOGRAPHER: All</p> <p>22 right. This concludes today's</p> <p>23 deposition. We are going off the</p> <p>24 record. The time 4:01.</p>
<p style="text-align: right;">Page 271</p> <p>1 Q. Do you know why they wanted</p> <p>2 to make that change?</p> <p>3 A. No, I do not know.</p> <p>4 Q. When it says make the call</p> <p>5 in the context of that discussion, do you</p> <p>6 have an understanding about what that</p> <p>7 means?</p> <p>8 A. Whether to approve or</p> <p>9 disapprove an order, I would take it to</p> <p>10 mean.</p> <p>11 Q. Did distribution center</p> <p>12 associates have to document their reasons</p> <p>13 for approving or disapproving an order</p> <p>14 when they performed that function?</p> <p>15 A. In the same manner as anyone</p> <p>16 else reviewing orders, yes.</p> <p>17 Q. How -- what do you mean by</p> <p>18 that?</p> <p>19 A. We discussed previously I</p> <p>20 believe a notes section within the</p> <p>21 structure of the computer system where</p> <p>22 notes would be entered, and that held</p> <p>23 true with the distribution centers as</p> <p>24 well.</p>	<p style="text-align: right;">Page 273</p> <p>1 (Excused.)</p> <p>2 (Deposition concluded at</p> <p>3 approximately 4:01 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

1  
2 **CERTIFICATE**  
3  
4

5 I HEREBY CERTIFY that the  
6 witness was duly sworn by me and that the  
7 deposition is a true record of the  
8 testimony given by the witness.

9 It was requested before  
10 completion of the deposition that the  
11 witness, EDWARD HAZEWSKI, have the  
12 opportunity to read and sign the  
13 deposition transcript.

14 MICHELLE L. GRAY,  
15 A Registered Professional  
16 Reporter, Certified Shorthand  
17 Reporter, Certified Realtime  
18 Reporter and Notary Public  
19 Dated: October 28, 2018  
20  
21  
22  
23  
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25 (The foregoing certification  
26 of this transcript does not apply to any  
27 reproduction of the same by any means,  
28 unless under the direct control and/or  
29 supervision of the certifying reporter.)  
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1 **INSTRUCTIONS TO WITNESS**  
2  
3

4 Please read your deposition  
5 over carefully and make any necessary  
6 corrections. You should state the reason  
7 in the appropriate space on the errata  
8 sheet for any corrections that are made.

9 After doing so, please sign  
10 the errata sheet and date it.

11 You are signing same subject  
12 to the changes you have noted on the  
13 errata sheet, which will be attached to  
14 your deposition.

15 It is imperative that you  
16 return the original errata sheet to the  
17 deposing attorney within thirty (30) days  
18 of receipt of the deposition transcript  
19 by you. If you fail to do so, the  
20 deposition transcript may be deemed to be  
21 accurate and may be used in court.  
22  
23  
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2 **E R R A T A**  
3 - - - - -

4 **PAGE LINE CHANGE**  
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24 REASON: \_\_\_\_\_

1  
2 **ACKNOWLEDGMENT OF DEPONENT**  
3

4 I, \_\_\_\_\_, do  
5 hereby certify that I have read the  
6 foregoing pages, 1 - 278, and that the  
7 same is a correct transcription of the  
8 answers given by me to the questions  
9 therein propounded, except for the  
10 corrections or changes in form or  
11 substance, if any, noted in the attached  
12 Errata Sheet.  
13  
14  
15

16 EDWARD HAZEWSKI

DATE

17  
18  
19 Subscribed and sworn  
20 to before me this

21 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

22 My commission expires: \_\_\_\_\_  
23

24 \_\_\_\_\_  
Notary Public

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